



# भारत का राजपत्र The Gazette of India

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सं. 14] नई दिल्ली, मार्च 30—अप्रैल 5, 2008, शनिवार/चैत्र 10—चैत्र 16, 1930  
No. 14] NEW DELHI, MARCH 30—APRIL 5, 2008, SATURDAY/CHAITRA 10—CHAITRA 16, 1930

इस भाग में भिन्न पृष्ठ संख्या दी जाती है जिससे कि यह पुश्तक संकलन के रूप में रखा जा सके  
Separate Paging is given to this Part in order that it may be filed as a separate compilation

भाग II—खण्ड 3—उप-खण्ड (ii)  
PART II—Section 3—Sub-section (ii)

भारत सरकार के मंत्रालयों (रक्षा मंत्रालय को छोड़कर) द्वारा जारी किए गए सार्वजनिक आदेश और अधिसूचनाएं  
Statutory Orders and Notifications Issued by the Ministries of the Government of India  
(Other than the Ministry of Defence)

विधि और न्याय मंत्रालय

(विधि कार्य विभाग)

नई दिल्ली, 18 मार्च, 2008

का. आ. 725.—केन्द्रीय सरकार, दंड प्रक्रिया संहिता, 1973 (1974 का 2) की धारा 24 की उप-धारा (1) द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए, श्री धैर्यशील अप्पासाहेब नालावडे, अधिवक्ता की, अपर लोक अभियोजक के रूप में नियुक्ति की अवधि को, मुंबई उच्च न्यायालय में भारत संघ या केन्द्रीय सरकार के किसी विभाग या कार्यालय द्वारा या उसके विरुद्ध सभी दंडिक मामलों का जिसके अंतर्गत सभी दंडिक रिट याचिकाएं, दंडिक अपीलें, दंडिक पुनरीक्षण दंडिक निर्देश और दंडिक आवेदन भी हैं, संभालन करने के प्रयोजन के लिए इस शर्त के अधीन कि श्री धैर्यशील अप्पासाहेब नालावडे, अधिवक्ता दो वर्ष की विस्तारित अवधि के दौरान भारत संघ या केन्द्रीय सरकार के किसी विभाग या केन्द्रीय सरकार के किसी कार्यालय के विरुद्ध ऊपर निर्दिष्ट किसी दंडिक मामले में मुंबई उच्च न्यायालय में उपसंज्ञा नहीं होंगे, 17 मार्च, 2008 से दो वर्ष की और अवधि के लिए या अगले आदेश होने तक, इनमें से जो भी पूर्वतः हो, विनियमित और विस्तारित करती है।

[सं. फा. 23(2)/2008-न्यायिक]

एम. ए. खान यूसुफी, संयुक्त सचिव और सरकारी काउंसिलर

1064 GI/2008

(1473)

MINISTRY OF LAW AND JUSTICE

(Department of Legal Affairs)

New Delhi, the 18th March, 2008

S.O. 725.—In exercise of the powers conferred by sub-section (1) of Section 24 of the Code of Criminal Procedure, 1973 (26 of 1974), the Central Government hereby regularises and extends the term of appointment of Shri Dharyasheel Appasaheb Nalawade, Advocate as Additional Public Prosecutor for the purpose of conducting all criminal cases including criminal writ petitions, criminal appeals, criminal revisions, criminal references and criminal applications by or against the Union of India or any Department or Office of the Central Government, in the High Court of Judicature at Mumbai, with effect from 17th March, 2008, for a further period of two years or until further orders, whichever is earlier, subject to the condition that Shri Dharyasheel Appasaheb Nalawade, Advocate shall not appear against the Union of India or any Department or Office of the Central Government in any criminal case referred to above in the High Court of Judicature at Mumbai during the extended period of two years.

[F. No. 23(2)/2008-Judl.]

M. A. KHAN YUSUFI, Jt. Secy. and GC

## वित्त मंत्रालय

(राजस्व विभाग)

नई दिल्ली, 20 मार्च, 2008

का. आ. 726.—केन्द्रीय सरकार, राजभूषण (संघ के शासकीय प्रकाशनों के लिए प्रयोग) नियम, 1976 के नियम 10 के उपनियम (4) के अनुसरण में राजस्व विभाग के अधीन केन्द्रीय उत्पाद शुल्क एवं सीमा शुल्क बोर्ड के निम्नलिखित कार्यालय को जिनके 80% कर्मचारीवृन्द ने हिन्दी का कार्यक्षम ज्ञान प्राप्त कर लिया है, अधिसूचित करती है।

आंकड़ा प्रबंधन निदेशालय

केन्द्रीय उत्पाद एवं सीमा शुल्क,

डी एल एफ सेंटर, ग्रेटर कैलाश-2, नई दिल्ली।

[फा. सं. 11012(1)2008-हिन्दी-2]

मधु शर्मा, निदेशक (राजभूषण)

MINISTRY OF FINANCE

(Department of Revenue)

New Delhi, 20th March, 2008

S.O. 726.—In pursuance of Sub Rule 4 of rule 10 of the Official Language (use of official purpose of the union) Rules 1976 the Central Government hereby notifies the following office under the Central Board of Excise & Customs, Department of Revenue, the 80% staff where of have acquired the working knowledge of Hindi.

Directorate of Data Management,

Customs &amp; Central Excise,

DLP Centre, Greater Kailash-II, New Delhi.

[F.No. 11012(1)2008-Hindi-2]

MADHU SHARMA, Director (OL)

(केन्द्रीय प्रत्यक्ष कर बोर्ड)

नई दिल्ली, 25 मार्च, 2008

का. आ. 727.—सर्वसाधारण की जानकारी के लिए एतद्वारा यह अधिसूचित किया जाता है कि केन्द्र सरकार द्वारा आयकर नियमावली, 1962 (उक्त नियमावली) के नियम 5ग और 5ड के साथ पठित आयकर अधिनियम, 1961 (उक्त अधिनियम) की धारा 35 की उपधारा (1) के खंड (ii) के प्रयोजनार्थ 1-4-2007 से संगठन इंस्टीट्यूट ऑफ किडनी डिजीजेस एण्ड रिसर्च सेंटर और इंस्टीट्यूट ऑफ ट्रांसप्लान्टेशन साइंसेस, अहमदाबाद को निम्नलिखित शर्तों के अधीन आंशिक रूप से शोध कार्यों में संलग्न 'अन्य संस्था' की श्रेणी में अनुमोदित किया गया है, नामतः :-

- (i) अनुमोदित संगठन को प्रदत्त राशि का उपयोग वैज्ञानिक अनुसंधान के लिए किया जाएगा;
- (ii) अनुमोदित संगठन अपने संकाय सदस्यों अथवा अपने नामांकित छात्रों के माध्यम से वैज्ञानिक अनुसंधान करेगा;
- (iii) अनुमोदित संगठन वैज्ञानिक अनुसंधान के लिए इसके द्वारा प्राप्त राशि के संबंध में अलग बही-खाता रखेगा जिसमें अनुसंधान कार्य करने के लिए प्रयुक्त राशि को दर्शाएगा तथा उक्त अधिनियम की धारा 288 की उपधारा (2) के स्पष्टीकरण में यथा परिभाषित किसी लेखाकार से अपनी खाता-बही की लेखा परीक्षा करायेंगी और उक्त अधिनियम की धारा 139 की उपधारा (1) के अंतर्गत आय विवरणी प्रस्तुत करने की नियत तिथि

तक ऐसे लेखाकार द्वारा विधिवत सत्यापित एवं हस्ताक्षरित लेखा परीक्षा रिपोर्ट मामले में क्षेत्राधिकार रखने वाले आयकर आयुक्त अथवा आयकर निदेशक को प्रस्तुत करेगा;

- (iv) अनुमोदित संगठन वैज्ञानिक अनुसंधान के लिए प्राप्त दान तथा प्रयुक्त राशि का अलग विवरण रखेगा और उपर्युक्त लेखा परीक्षा रिपोर्ट के साथ लेखा परीक्षक द्वारा विधिवत सत्यापित विवरण की प्रति प्रस्तुत करेगा।

2. केन्द्र सरकार यह अनुमोदन वापिस ले लेगी यदि अनुमोदित संगठन :-

- (क) पैराग्राफ 1 के उप-पैराग्राफ (iii) में उल्लिखित अलग लेखा बही नहीं रखेगा; अथवा
- (ख) पैराग्राफ 1 के उप-पैराग्राफ (iii) में उल्लिखित अपनी लेखा परीक्षा रिपोर्ट प्रस्तुत नहीं करेगा; अथवा
- (ग) पैराग्राफ 1 के उप-पैराग्राफ (iv) में उल्लिखित वैज्ञानिक अनुसंधान के लिए प्राप्त एवं प्रयुक्त दान का अपना विवरण प्रस्तुत नहीं करेगा; अथवा
- (घ) अपना अनुसंधान कार्य करना बंद कर देगा अथवा इसके अनुसंधान कार्य को जायज नहीं पाया जाएगा; अथवा
- (ङ) उक्त नियमावली के नियम 5ग और 5ड के साथ पठित उक्त अधिनियम की धारा 35 की उपधारा (1) के खंड (ii) के प्रावधानों के अनुरूप नहीं होगा तथा उनका पालन नहीं करेगा।

[अधिसूचना सं. 46/2008/फा. सं. 203/8/2008-आ.क.नि.-II]

सुरेन्द्र पाल, अवर सचिव

(Central Board of Direct Taxes)

New Delhi, the 25th March, 2008

S.O. 727.—It is hereby notified for general information that the organization Institute of Kidney Diseases & Research Centre and Institute of Transplantation Sciences, Ahmedabad has been approved by the Central Government for the purpose of clause (ii) of sub-section (1) of section 35 of the Income-tax Act, 1961 (said Act), read with Rules 5C and 5E of the Income-tax Rules, 1962 (said Rules), with effect from 1-4-2007 in the category of 'other Institution', partly engaged in research activities subject to the following conditions, namely :—

- (i) The sums paid to the approved organization shall be utilized for scientific research;
- (ii) The approved organization shall carry out scientific research through its faculty members or its enrolled students;
- (iii) The approved organization shall maintain separate books of accounts in respect of the sums received by it for scientific research, reflect therein the amounts used for carrying out research, get such books audited by an accountant as defined in the explanation to sub-section (2) of Section 288 of the said Act and furnish the report of such audit duly signed and verified by such accountant to the Commissioner of Income-tax or the Director of Income-tax having jurisdiction over the case, by the due date of furnishing the return of income under sub-section (1) of Section 139 of the said Act;

- (iv) The approved organization shall maintain a separate statement of donations received and amounts applied for scientific research and a copy of such statement duly certified by the auditor shall accompany the report of audit referred to above.

2. The Central Government shall withdraw the approval if the approved organization:—

- fails to maintain separate books of accounts referred to in sub-paragraph (iii) of paragraph 1; or
- fails to furnish its audit report referred to in sub-paragraph (iii) of paragraph 1; or
- fails to furnish its statement of the donations received and sums applied for scientific research referred to in sub-paragraph (iv) of paragraph 1; or
- ceases to carry on its research activities or its research activities are not found to be genuine; or
- ceases to conform to and comply with the provisions of clause (ii) of sub-section (1) of Section 35 of the said Act read with rules 5C and 5E of the said Rules.

[Notification No. 46/2008/F. No. 203/8/2008/ITA-II]  
SURENDER PAL, Under Secy.

कार्यालय, मुख्य आयकर आयुक्त

जयपुर, 25 मार्च, 2008

संख्या 19/2007-08

का.आ. 728.—आयकर अधिनियम, 1962 के नियम 2सीए के साथ पठनीय आयकर अधिनियम, 1961 (1961 का 43वाँ) की धारा 10 के खण्ड (23सी) की उपधारा (vi) के द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए मुख्य आयकर आयुक्त, जयपुर एतद्वारा निर्धारण वर्ष 2002-03 एवं आगे के लिए कथित धारा के उद्देश्य से “बाल हित शिक्षा समिति, अलवर” को स्वीकृति देते हैं।

बशर्ते कि समिति आयकर नियम 1962 के नियम 2 सीए के साथ पठनीय आयकर अधिनियम, 1961 की धारा 10 के उपखण्ड (23सी) की उपधारा (vi) के प्रावधानों के अनुरूप कार्य करे।

[क्रमांक: मुआआ/अआआ/(समन्वय)/जय/10(23सी)(vi)/07-08/7715]

एस. सी. कपिल, मुख्य आयकर आयुक्त

OFFICE OF THE CHIEF COMMISSIONER OF  
INCOME TAX

Jaipur, the 25th March, 2008

No. 19/2007-08

S.O. 728.—In exercise of the powers conferred by sub-clause (vi) of clause (23C) of Section 10 of the Income-tax Act, 1961(43 of 1961) read with rule 2CA of the Income-tax Rules, 1962 the Chief Commissioner of Income-tax, Jaipur hereby approves “Bal Hit Shiksha Samiti, Alwar” for the purpose of said section for the A. Y. 2002-03 and onwards.

Provided that the society conforms to and complies with the provisions of sub-clause (vi) of clause (23C) of Section 10 of the Income-tax Act, 1961 read with rule 2CA of the Income-tax Rules, 1962.

[No. CCIT/JPR/Addl.CIT(Coord.)/10(23C)(vi)/2007-08/7715]

S. C. KAPIL, Chief Commissioner of Income-Tax

जयपुर, 26 मार्च, 2008

संख्या 20/2007-08

का.आ. 729.—आयकर अधिनियम, 1962 के नियम 2सीए के साथ पठनीय आयकर अधिनियम, 1961 (1961 का 43वाँ) की धारा 10 के खण्ड (23सी) की उपधारा (vi) के द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए मुख्य आयकर आयुक्त, जयपुर एतद्वारा निर्धारण वर्ष 2007-08 एवं आगे के लिए कथित धारा के उद्देश्य से “जयपुर स्कूल समिति, जयपुर” को स्वीकृति देते हैं।

बशर्ते कि समिति आयकर नियम, 1962 के नियम 2 सीए के साथ पठनीय आयकर अधिनियम, 1961 की धारा 10 के उपखण्ड (23सी) की उपधारा (vi) के प्रावधानों के अनुरूप कार्य करे।

[क्रमांक: मुआआ/अआआ/(समन्वय)/जय/10(23सी)(vi)/07-08/7714]

एस. सी. कपिल, मुख्य आयकर आयुक्त

Jaipur, the 26th March, 2008

No. 20/2007-08

S.O. 729.—In exercise of the powers conferred by sub-clause (vi) of clause (23C) of Section 10 of the Income-tax Act, 1961(43 of 1961) read with rule 2CA of the Income-tax Rules, 1962 the Chief Commissioner of Income-tax, Jaipur hereby approves “Jaipur School Samiti, Jaipur” for the purpose of said section for the A. Y. 2007-08 and onwards.

Provided that the society conforms to and complies with the provisions of sub-clause (vi) of clause (23C) of Section 10 of the Income-tax Act, 1961 read with rule 2CA of the Income-tax Rules, 1962.

[No. CCIT/JPR/Addl.CIT(Coord.)/10(23C)(vi)/2007-08/7714]

S. C. KAPIL, Chief Commissioner of Income-Tax

खान मंत्रालय

नई दिल्ली, 25 मार्च, 2008

का.आ. 730.—केन्द्रीय सरकार, राजभाषा (संघ के शसकीय प्रयोजनों के लिए प्रयोग) नियम, 1976 के नियम 10 के उपनियम (4) के अनुसरण में, खान मंत्रालय के प्रशासनिक नियंत्रणाधीन उपक्रम हिन्दुस्तान कॉपर लिमिटेड की इकाई इंडियन कॉपर काम्प्लेक्स, पूर्वी सिंहभूम, झारखंड जिसके 80 प्रतिशत से अधिक कर्मचारी-बुंद ने हिन्दी का कार्यसाधक ज्ञान प्राप्त कर लिया है, अधिसूचित करती है।

2. यह अधिसूचना राजपत्र में प्रकाशन की तारीख से प्रवृत्त होगी।

[सं ई-17011/1/2006-हिन्दी]

अजिता बाजपेयी पाण्डे, संयुक्त सचिव

MINISTRY OF MINES

New Delhi, the 25th March, 2008

S.O. 730.—In pursuance of sub-rule (4) of the Official Language (use for official purpose of the Union) Rules, 1976 the Central Government hereby notifies the Indian Copper Complex, East Singhbhum, Jharkhand an unit of Hindustan Copper Limited where more than 80% staff have acquired the working knowledge of Hindi.

2. This notification shall come into force from the date of publication in the Official Gazette.

[No. E-17011/1/2006-Hindi]

AJITA BAJPAI PANDE, Jt. Secy.

## उपभोक्ता मापले, खाद्य और सार्वजनिक वितरण मंत्रालय

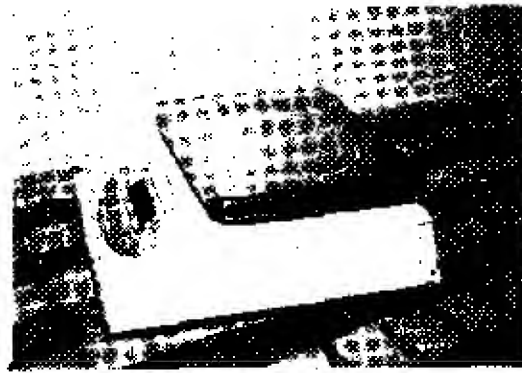
( उपभोक्ता मापले विभाग )

नई दिल्ली, 5 मार्च, 2008

का. आ. 731.—केन्द्रीय सरकार का, विहित प्राधिकारी द्वारा उसे प्रस्तुत रिपोर्ट पर विचार करने के पश्चात् यह समाधान हो गया है कि उक्त रिपोर्ट में वर्णित मॉडल (नीचे दी गई आकृति देखें) बाट और माप मानक अधिनियम, 1976 (1976 का 60) तथा बाट और माप मानक (मॉडलों का अनुमोदन) नियम, 1987 के उपबंधों के अनुरूप है और इस बात की संभावना है कि लगातार प्रयोग की अवधि में भी उक्त मॉडल यथार्थता बनाए रखेगा और विभिन्न परिस्थितियों में उपयुक्त सेवा प्रदान करता रहेगा;

अतः, अब, केन्द्रीय सरकार, उक्त अधिनियम की धारा 36 की उपधारा (7) और (8) द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए मैसर्स ग्लोबल विद्धार, 47 एफ, ब्लॉक-सी सी, हरी नगर, नई दिल्ली-110064 द्वारा विनिर्मित उच्च यथार्थता (यथार्थता वर्ग-II) वाले "जी डब्ल्यू टी" क शृंखला) अस्वचालित अंकक सूचन सहित तोलन उपकरण (टेबलटॉप प्रकार) के मॉडल का, जिसके ब्रांड का नाम "ग्लोब" है (जिसे इसमें इसके पश्चात् उक्त मॉडल कहा गया है) और जिसे अनुमोदन चिह्न आई एन डी/09/07/371 समनुदेशित किया गया है, अनुमोदन प्रमाण-पत्र जारी करती है।

उक्त मॉडल एक विकृत गेज प्रकार का भार सेल आधारित अस्वचालित (टेबलटॉप प्रकार) का तोलन उपकरण है। इसकी अधिकतम क्षमता 30 कि.ग्रा. है और न्यूनतम क्षमता 250 ग्रा. है। सत्यापन मापमान अंतराल (ई) 5 ग्रा. है। इसमें एक आधेयतुलन युक्ति है जिसका शत प्रतिशत व्यकलनात्मक धारित आधेयतुलन प्रभाव है। प्रकाश उत्सर्जक डायोड (एल ई डी) तोलन परिणाम उपदर्शित करता है। उपकरण 230 वोल्ट, 50 हर्ट्ज प्रत्यावर्ती धारा विद्युत प्रदाय पर कार्य करता है।



## सिलिंग व्यवस्था की स्कीम संबंधी व्यवस्था

स्यम्पिंग प्लेट को सील करने के अतिरिक्त मशीन को कपटपूर्ण व्यवहारों के लिए खोले जाने से रोकने के लिए भी सीलबन्ध किया जाएगा तथा मॉडल को बिक्री से पहले या बाद में उसकी सामग्री, यथार्थता, डिजाइन, सर्किट डायग्राम, निष्पादन सिद्धांत आदि की शर्तों पर परिवर्तित नहीं किया जाएगा। मॉडल के सीलिंग प्रावधान का विशिष्ट स्कीम डायग्राम ऊपर दिया गया है।

और केन्द्रीय सरकार उक्त अधिनियम की धारा 36 की उपधारा (12) द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए यह घोषणा करती है कि उक्त मॉडल के अनुमोदन के इस प्रमाण-पत्र के अंतर्गत उसी विनिर्माता द्वारा उसी सिद्धांत, डिजाइन के अनुसार और उसी सामग्री से जिससे उक्त अनुमोदित मॉडल विनिर्मित किया गया है, विनिर्मित उसी शृंखला के वैसे ही मेक, यथार्थता और कार्यपालन के तोलन उपकरण भी होंगे जो। मि.ग्रा. से 50 मि.ग्रा. तक के "ई" मान के लिए 100 से 50,000 तक की रेंज में सत्यापन मापमान अंतराल (एन) और 100 मि.ग्रा. या उससे अधिक के "ई" मान के लिए 5000 से 50,000 तक की रेंज में सत्यापन मापमान अंतराल (एन) सहित 50 कि.ग्रा. तक की अधिकतम क्षमता वाले हैं और "ई" मान  $1 \times 10^3$ ,  $2 \times 10^3$  अथवा  $5 \times 10^3$  के हैं, जहाँ पर के घनात्मक या ऋणात्मक पूर्णांक या शून्य के समतुल्य हैं।

[फा. सं. डब्ल्यू एम-21(208)/2007]

आर. माधुरबुधम, निदेशक, विधिक माप विज्ञान



# MINISTRY OF CONSUMER AFFAIRS, FOOD AND PUBLIC DISTRIBUTION

(Department of Consumer Affairs)

New Delhi, the 5th March, 2008

**S.O. 731.**—Whereas the Central Government, after considering the report submitted to it by the prescribed authority, is satisfied that the model described in the said report (see the figure given below) is in conformity with the provisions of the Standards of Weights and Measures Act, 1976 (60 of 1976) and the Standards of Weights and Measures (Approval of Models) Rules, 1987 and the said model is likely to maintain its accuracy over periods of sustained use and to render accurate service under varied conditions;

Now, therefore, in exercise of the powers conferred by sub-sections (7) and (8) of Section 36 of the said Act, the Central Government hereby issues and publishes the certificate of approval of the model of non-automatic weighing instrument (Table top type) with digital indication of "GWT" series of high accuracy (Accuracy class-II) and with brand name "GLOBE" (hereinafter referred to as the said Model), manufactured by M/s. Global Weigher, 47-F Block-CC, Hari Nagar, New Delhi-110064 and which is assigned the approval mark IND/09/07/371;

The said Model is a strain gauge type load cell based non-automatic weighing instrument (Table top type) with a maximum capacity of 30 kg. and minimum capacity of 250 g. The verification scale interval (e) is 5 g. It has a tare device with a 100 per cent subtractive retained tare effect. The Light Emitting Diode (LED) display indicates the weighing result. The instrument operates on 230 Volts and 50 Hertz alternative current power supply.

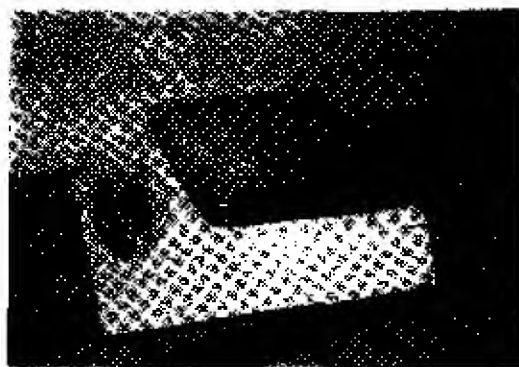


Fig. 2 Schematic diagram of sealing provisions of the model

In addition to sealing the stamping plate, sealing shall also be done to prevent the opening of the machine for fraudulent practices and model shall not be changed in terms of its material, accuracy, design, circuit diagram, working principle, etc. before or after sale. A typical schematic diagram of the sealing provision of the model is given above.

Further, in exercise of the powers conferred by sub-section (12) of Section 36 of the said Act, the Central Government hereby declares that this certificate of approval of the said model shall also cover the weighing instruments of similar make, make and performance of same series with maximum capacity up to 50kg. and with number of verification scale interval (n) in the range of 100 to 50000 for 'e' value of 1 mg. to 50 mg. and with number of verification scale interval (n) in the range of 5000 to 50,000 for 'e' value of 100mg. or more and with 'e' value of  $1 \times 10^k$ ,  $2 \times 10^k$  or  $5 \times 10^k$ , k being the positive or negative whole number or equal to zero manufactured by the same manufacturer in accordance with the same principle, design and with the same materials with which, the said approved model has been manufactured.

[F.No. WM-21(208)/2007]

R. MATHURBOOTHAM, Director of Legal Metrology

नई दिल्ली, 5 मार्च, 2008

का. आ. 732.—केन्द्रीय सरकार का, विहित प्राधिकारी द्वारा उसे प्रस्तुत रिपोर्ट पर विचार करने के पश्चात् यह समाधान हो गया है कि उक्त रिपोर्ट में वर्णित मॉडल (नीचे दी गई आकृति देखें) बाट और माप मानक अधिनियम, 1976 (1976 का 60) तथा बाट और माप मानक (मॉडलों का अनुमोदन) नियम, 1987 के उपबंधों के अनुरूप है और इस बात की संभावना है कि लगातार प्रयोग की अवधि में भी उक्त मॉडल यथार्थता बनाए रखेगा और विभिन्न परिस्थितियों में उपयुक्त सेवा प्रदान करता रहेगा;

अतः, अब, केन्द्रीय सरकार, उक्त अधिनियम की धारा 36 की उपधारा (7) और (8) द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए मैसर्स ग्लोबल विद्यार, 47 एफ, ब्लॉक-सी सी, हरी नगर, नई दिल्ली-110064 द्वारा विनिर्मित मध्यम यथार्थता (यथार्थता वर्ग-III) वाले "जी डब्ल्यू पी" शृंखला के स्वतः सूचक, अस्वचालित, अंकक सूचन सहित तोलन उपकरण (प्लेटफार्म प्रकार) के मॉडल का, जिसके ब्रांड का नाम "ग्लोब" है (जिसे इसमें इसके पश्चात् उक्त मॉडल कहा गया है) और जिसे अनुमोदन बिजु आई एन डी/09/07/372 समनुदेशित किया गया है, अनुमोदन प्रमाण-पत्र जारी करती है।

उक्त मॉडल एक विकृत गेज प्रकार का भार सेल आधारित अस्वचालित तोलन उपकरण है। इसकी अधिकतम क्षमता 200 कि.ग्रा. है और न्यूनतम क्षमता 2 कि.ग्रा. है। सत्यापन मापमान अंतराल (ई) 100 ग्रा. है। इसमें एक आधेयतुलन युक्ति है जिसका शत प्रतिशत एकलनात्मक धारित आधेयतुलन प्रभाव है। प्रकाश उत्सर्जक डायोड (एलईडी) तोलन परिणाम उपदर्शित करता है। उपकरण 230 वोल्ट, 50 हर्ट्ज प्रत्यावर्ती धारा विद्युत प्रदाय पर कार्य करता है।



#### सिलिंग व्यवस्था की स्कीम संबंधी व्यवस्था

स्टाम्पिंग प्लेट को सील करने के अतिरिक्त मशीन को कपटपूर्ण व्यवहारों के लिए खोले जाने से रोकने के लिए भी सीलबन्द किया जाएगा तथा मॉडल को बिक्री से पहले या बाद में उसकी सामग्री, यथार्थता, डिजाइन, सर्किट डायग्राम, निष्पादन सिद्धांत आदि की शर्तों पर परिवर्तित नहीं किया जाएगा। मॉडल के सिलिंग प्रावधान का विशिष्ट स्कीम डायग्राम ऊपर दिया गया है।

और केन्द्रीय सरकार उक्त अधिनियम की धारा 36 की उपधारा (12) द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए यह घोषणा करती है कि उक्त मॉडल के अनुमोदन के इस प्रमाण-पत्र के अंतर्गत उसी विनिर्माता द्वारा उसी सिद्धांत, डिजाइन के अनुसार और उसी सामग्री से जिससे उक्त अनुमोदित मॉडल का विनिर्माण किया गया है, विनिर्मित उसी शृंखला के वैसे ही मेक, यथार्थता और कार्यपालन के तोलन उपकरण भी होंगे जो 5 ग्रा. या उससे अधिक के "ई" मान के लिए 500 से 10,000 तक की रेंज में सत्यापन मापमान अंतराल (एन) और 50 कि.ग्रा. से अधिक और 5000 कि.ग्रा. तक की अधिकतम क्षमता वाले हैं और "ई" मान  $1 \times 10^3$ ,  $2 \times 10^3$  अथवा  $5 \times 10^3$  के हैं, जहाँ पर 'के' धनात्मक या ऋणात्मक पूर्णांक या शून्य के समतुल्य हैं।

[फा. सं. डब्ल्यू एम-21(208)/2007]

आर. माथुरबुधम, निदेशक, विधिक माप विज्ञान

New Delhi, the 5th March, 2008

S.O. 732.—Whereas the Central Government, after considering the report submitted to it by the prescribed authority, is satisfied that the model described in the said report (see the figure given below) is in conformity with the provisions of the Standards of Weights and Measures Act, 1976 (60 of 1976) and the Standards of Weights and Measures (Approval of Models) Rules, 1987 and the said model is likely to maintain its accuracy over periods of sustained use and to render accurate service under varied conditions;

Now, therefore, in exercise of the powers conferred by sub-sections (7) and (8) of Section 36 of the said Act, the Central Government hereby issues and publishes the certificate of approval of the model of the self indicating, non-automatic (Platform type) weighing instrument with digital indication of "GWP" series of medium accuracy (Accuracy class-III) and with brand name "GLOBE" (hereinafter referred to as the said Model), manufactured by M/s. Global Weigher, 47-F, Block-CC, Hari Nagar, New Delhi-110064 and which is assigned the approval mark IND/09/07/372;

The said Model is a strain gauge type load cell based non-automatic weighing instrument with a maximum capacity of 200 kg. and minimum capacity of 2 kg. The verification scale interval (e) is 100 g. It has a tare device with 100 per cent subtractive retained tare effect. The Light Emitting Diode (LED) display indicates the weighing result. The instrument operates on 230 Volts and 50 Hertz alternative current power supply.

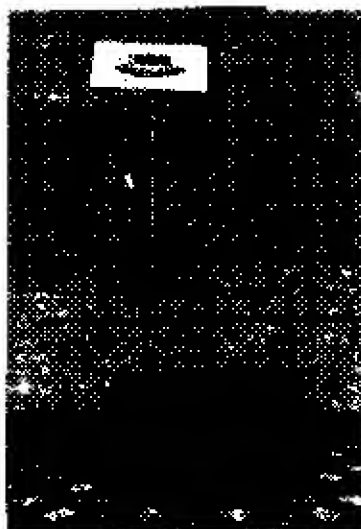


Fig. 2 Schematic diagram of sealing provisions of the model

In addition to sealing the stamping plate, sealing shall also be done to prevent the opening of the machine for fraudulent practices and model shall not be changed in terms of its material, accuracy, design, circuit diagram, working principle, etc. before or after sale. A typical schematic diagram of sealing provision of the model is given above.

Further, in exercise of the powers conferred by sub-section (12) of Section 36 of the said Act, the Central Government hereby declares that this certificate of approval of the said model shall also cover the weighing instruments of same series with maximum capacity above 50kg. and upto 5000kg. and with number of verification scale interval (n) in the range of 500 to 10000 for 'e' value of 5g. or more and with 'e' value of  $1 \times 10^k$ ,  $2 \times 10^k$  or  $5 \times 10^k$ , k being the positive or negative whole number or equal to zero, manufactured by the same manufacturer with the same principle, design and with the same materials with which, the said approved model has been manufactured.

[F.No. WM-21(208)/2007]

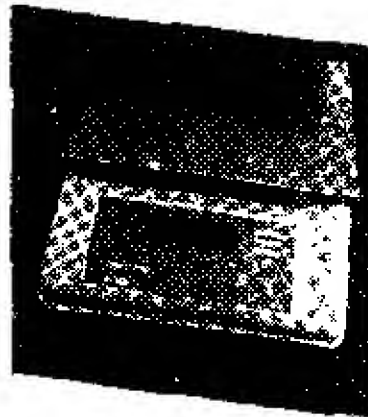
R. MATHURBOOTHAM, Director of Legal Metrology

नई दिल्ली, 5 मार्च, 2008

का. आ. 733.—केन्द्रीय सरकार का, विहित प्राधिकारी द्वारा उसे प्रस्तुत रिपोर्ट पर विचार करने के पश्चात् यह समाधान हो गया है कि उक्त रिपोर्ट में वर्णित मॉडल (नीचे दी गई आकृति देखें) बाट और माप मानक अधिनियम, 1976 (1976 का 60) तथा बाट और माप मानक (मॉडलों का अनुमोदन) नियम, 1987 के उपबंधों के अनुरूप है और इस बात की संभावना है कि लगातार प्रयोग की अवधि में भी उक्त मॉडल यथार्थता बनाए रखेगा और विभिन्न परिस्थितियों में उपयुक्त सेवा प्रदान करता रहेगा;

अतः, अब, केन्द्रीय सरकार, उक्त अधिनियम की धारा 36 की उपधारा (7) और उपधारा (8) द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए मैसर्स एज सिस्टम्स, महालक्ष्मी मार्किट यार्ड, पुणे-37 द्वारा विनिर्मित मध्यम यथार्थता (यथार्थता वर्ग-III) वाले "आई सी टी" शृंखला के अस्वचालित, अंकक सूचन सहित, तोलन उपकरण (टेबल टॉप प्रकार) के मॉडल का, जिसके बांड का नाम "आइकॉन" है (जिसे इसमें इसके पश्चात् उक्त मॉडल कहा गया है) और जिसे अनुमोदन चिह्न आई एन डी/09/07/323 समनुदेशित किया गया है, अनुमोदन प्रमाण-पत्र जारी करती है।

उक्त मॉडल एक विकृत गेज प्रकार का भार सेल आधारित अस्वचालित (टेबल टॉप प्रकार) तोलन उपकरण है। इसकी अधिकतम क्षमता 30 कि.ग्रा. है और न्यूनतम क्षमता 40 ग्रा. है। सत्यापन मापमान अंतराल (ई) 15 कि. ग्रा. तक 2 ग्रा. और 15 कि.ग्रा. से ऊपर 30 कि. ग्रा. तक 5 ग्रा. है। इसमें एक आधेयतुलन युक्ति है जिसका शत प्रतिशत व्यवकलनात्मक धारित आधेयतुलन प्रभाव है। प्रकाश उत्सर्जक डायोड (एलईडी) तोलन परिणाम उपदर्शित करता है। उपकरण 230 वोल्ट और 50 हर्ट्ज प्रत्यावर्ती धारा विद्युत प्रदाय पर कार्य करता है।



#### सिलिंग व्यवस्था की स्कीम संबंधी व्यवस्था

स्टाम्पिंग प्लेट प्लेट को सील करने के अतिरिक्त मशीन को कपटपूर्ण व्यवहारों के लिए खोले जाने से रोकने के लिए सीलबन्ध भी किया जाएगा तथा मॉडल को बिक्री से पहले या बाद में उसकी सामग्री, यथार्थता, डिजाइन, सर्किट डायग्राम, निष्पादन सिद्धांत आदि की शर्तों पर परिवर्तित नहीं किया जाएगा। मॉडल के सीलिंग प्रावधान का विशिष्ट स्कीम डायग्राम ऊपर दिया गया है।

और केन्द्रीय सरकार उक्त अधिनियम की धारा 36 की उपधारा (12) द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए यह घोषणा करती है कि उक्त मॉडल के अनुमोदन के इस प्रमाण-पत्र के अंतर्गत उसी विनिर्माता द्वारा उसी सिद्धांत, डिजाइन के अनुसार और उसी सामग्री से जिससे उक्त अनुमोदित मॉडल का विनिर्माण किया गया है, विनिर्मित उसी शृंखला के वैसे ही मेक, यथार्थता और कार्यपालन के तोलन उपकरण भी होंगे जो 100 मि.ग्रा. से 2 ग्रा. तक के "ई" मान के लिए 100 से 10,000 तक की रेंज में सत्यापन मापमान अंतराल (एन) और 5 ग्राम या उससे अधिक के "ई" मान के लिए 500 से 10,000 तक की रेंज में सत्यापन मापमान अंतराल (एन) सहित 50 कि.ग्रा. तक की अधिकतम क्षमता वाले हैं और 'ई' मान  $1 \times 10^*$ ,  $2 \times 10^*$  या  $5 \times 10^*$ , के हैं, जहां पर के घनात्मक या ऋणात्मक पूर्णांक या शून्य के समतुल्य हैं।

[फा. सं. डब्ल्यू एम-21(38)/2007]

आर. माधुराधम, निदेशक, विधिक माप विज्ञान

New Delhi, the 5th March, 2008

**S.O. 733.**—Whereas the Central Government, after considering the report submitted to it by the prescribed authority, is satisfied that the model described in the said report (see the figure given below) is in conformity with the provisions of the Standards of Weights and Measures Act, 1976 (60 of 1976) and the Standards of Weights and Measures (Approval of Models) Rules, 1987 and the said model is likely to maintain its accuracy over periods of sustained use and to render accurate service under varied conditions;

Now, therefore, in exercise of the powers conferred by sub-sections (7) and (8) of Section 36 of the said Act, the Central Government hereby issues and publishes the certificate of approval of the model of non-automatic (Table top type) weighing instrument with digital indication of "ICT" series of medium accuracy (Accuracy class-III) and with brand name "ICON" (herein referred to as the said Model), manufactured by M/s. Raj Systems, Mahalaxmi Market, Market Yard, Pune-37, Maharashtra and which is assigned the approval mark IND/09/07/323;

The said Model is a strain gauge type load cell based non-automatic weighing instrument (Table top type) with a maximum capacity of 30kg. and minimum capacity of 40 g. The verification scale interval (e) is 2g. upto 15 kg. and 5g above 15 kg. and up to 30kg. It has a tare device with a 100 per cent subtractive retained tare effect. The Light Emitting Diode (LED) display indicates the weighing results. The instrument operates on 230 Volts, 50 Hertz alternative current power supply.

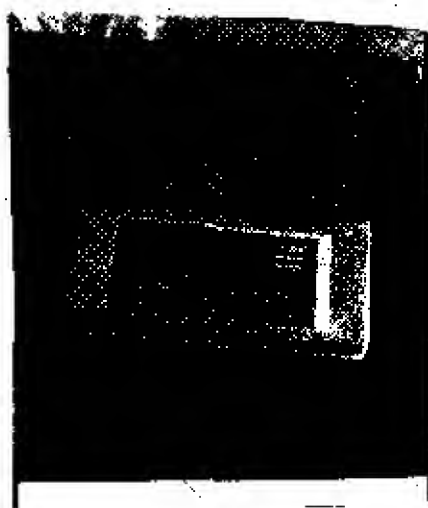


Fig 2. Schematic diagram of sealing provision of the model

In addition to sealing the stamping plate, sealing shall also be done to prevent the opening of the machine for fraudulent practices and model shall not be changed in terms of its material, accuracy, design, circuit diagram, working principle, etc. before or after sale. A typical schematic diagram of the sealing provision of the model is given above.

Further, in exercise of the powers conferred by sub-section (12) of Section 36 of the said Act, the Central Government hereby declares that this certificate of approval of the said model shall also cover the weighing instrument of similar make, accuracy and performance of same series with maximum capacity up to 50kg. with verification scale interval (n) in the range of 100 to 10,000 for 'e' value of 100 mg. to 2g. or with verification scale interval (n) in the range of 500 to 10,000 for 'e' value of 5g. or more and with 'e' value of  $1 \times 10^k$ ,  $2 \times 10^k$  or  $5 \times 10^k$ , k being a positive or negative whole number or equal to zero manufactured by the same manufacturer in accordance with the same principle, design and with the same materials with which, the said approved model has been manufactured.

[F.No. WM-21(38)2007]

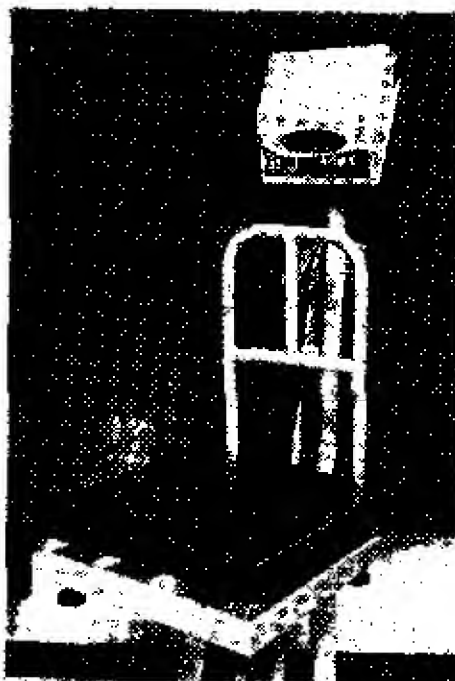
R. MATHURBOOTHAM, Director of Legal Metrology

नई दिल्ली, 5 मार्च, 2008

का. आ. 734.—केन्द्रीय सरकार का, विहित प्राधिकारी द्वारा उसे प्रस्तुत रिपोर्ट पर विचार करने के पश्चात् यह समाधान हो गया है कि उक्त रिपोर्ट में वर्णित मॉडल (नीचे दी गई आकृति देखें) बाट और माप मानक अधिनियम, 1976 (1976 का 60) तथा बाट और माप मानक (मॉडलों का अनुमोदन) नियम, 1987 के उपबंधों के अनुरूप है और इस बात की संभावना है कि लगातार प्रयोग की अवधि में भी उक्त मॉडल यथार्थता बनाए रखेगा और विभिन्न परिस्थितियों में उपयुक्त सेवा प्रदान करता रहेगा;

अतः, अब, केन्द्रीय सरकार, उक्त अधिनियम की धारा 36 की उपधारा (7) और उपधारा (8) द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए मैसर्स राज सिस्टम्स, महालक्ष्मी मार्किट यार्ड, पुणे-37 द्वारा विनिर्मित मध्यम यथार्थता (यथार्थता वर्ग-III) वाले "आई सी पी" शृंखला के स्वतः सूचक अस्वचालित, अंकक सूचन सहित, तोलन उपकरण (प्लेफार्म प्रकार) के मॉडल का, जिसके ब्रांड का नाम "आइकॉन" है (जिसे इसमें इसके पश्चात् उक्त मॉडल कहा गया है) और जिसे अनुमोदन चिह्न आई एन डी/09/07/324 समनुदेशित किया गया है, अनुमोदन प्रमाण-पत्र जारी करती है।

उक्त मॉडल एक चिकुत गेज प्रकार का पार सेल आधारित अस्वचालित तोलन उपकरण है। इसकी अधिकतम क्षमता 500 कि.ग्रा. है और न्यूनतम क्षमता 1 कि.ग्रा. है। सत्यापन मापमान अंतराल (ई) 300 कि.ग्रा. तक 50 ग्रा. और 300 कि.ग्रा. से ऊपर 500 कि.ग्रा. तक 100 ग्रा. है। इसमें एक आधेयतुलन युक्ति है जिसका शत प्रतिशत व्यवकलनात्मक धारित आधेयतुलन प्रभाव है। प्रकाश उत्सर्जक डायोड (एसईडी) तोलन परिणाम उपदर्शित करता है। उपकरण 230 वोल्ट और 50 हर्ट्ज प्रत्यावर्ती धारा विद्युत प्रदाय पर कार्य करता है।



सिलिंग व्यवस्था की स्कीम संबंधी व्यवस्था

सिलिंग प्लेट प्लेट को सील करने के अतिरिक्त मशीन को कपटपूर्ण व्यवहारों के लिए खोले जाने से रोकने के लिए भी सीलबन्द किया जाएगा तथा मॉडल को बिक्री से पहले या बाद में उसकी सामग्री, यथार्थता, डिजाइन, सर्किट डायग्राम, निष्पादन सिद्धांत आदि की शर्तों पर परिवर्तित नहीं किया जाएगा। मॉडल के सीलिंग प्रावधान का विशिष्ट स्कीम डायग्राम ऊपर दिया गया है।

और केन्द्रीय सरकार उक्त अधिनियम की धारा 36 की उपधारा (12) द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए यह घोषणा करती है कि उक्त मॉडल के अनुमोदन के इस प्रमाण-पत्र के अंतर्गत उसी विनिर्माता द्वारा उसी सिद्धांत, डिजाइन के अनुसार और उसी सामग्री से जिससे उक्त अनुमोदित मॉडल का विनिर्माण किया गया है, विनिर्मित उसी शृंखला के वैसे ही मेक, यथार्थता और कार्यपालन के तोलन उपकरण भी होंगे जो 5 ग्रा. या उससे अधिक के "ई" मान के लिए 500 से 10,000 तक की रेंज में सत्यापन मापमान अंतराल (एन) सहित 50 कि.ग्रा. से अधिक और 5000 कि.ग्रा. तक की अधिकतम क्षमता वाले हैं और "ई" मान  $1 \times 10^3$ ,  $2 \times 10^3$  या  $5 \times 10^3$ , के हैं, जहां पर के धनात्मक या ऋणात्मक पूर्णांक या शून्य के समतुल्य हैं।

[फा. सं. डब्ल्यू एम-21(38)/2007]

आर. माधुरवृध्म, निदेशक, विधिक माप विज्ञान

New Delhi, the 5th March, 2008

**S.O. 734.**—Whereas the Central Government, after considering the report submitted to it by the prescribed authority, is satisfied that the model described in the said report (see the figure given below) is in conformity with the provisions of the Standards of Weights and Measures Act, 1976 (60 of 1976) and the Standards of Weights and Measures (Approval of Models) Rules, 1987 and the said model is likely to maintain its accuracy over periods of sustained use and to render accurate service under varied conditions;

Now, therefore, in exercise of the powers conferred by sub-sections (7) and (8) of Section 36 of the said Act, the Central Government hereby issues and publishes the certificate of approval of the model of the self indicating, non-automatic (Platform type) weighing instrument with digital indication of "ICP" series of medium accuracy (Accuracy class-III) and with brand name "ICON" (herein referred to as the said Model), manufactured by M/s. Raj Systems, Mahalaxmi Market, Market Yard, Pune-37, Maharashtra and which is assigned the approval mark IND/09/07/324;

The said Model is a strain gauge type load cell based non-automatic weighing instrument with a maximum capacity of 500kg. and minimum capacity of 1 kg. The verification scale interval (e) is 50g. upto 300 kg. and 100g above 300 kg. and up to 500kg. It has a tare device with a 100 per cent subtractive retained tare effect. The Light Emitting Diode (LED) display indicates the weighing results. The instrument operates on 230 Volts and 50 Hertz alternative current power supply



Fig 2. Schematic diagram of sealing provision of the model

In addition to sealing the stamping plate, sealing shall also be done to prevent the opening of the machine for fraudulent practices and model shall not be changed in terms of its material, accuracy, design, circuit diagram, working principle, etc. before or after sale. A typical schematic diagram of the sealing provision of the model is given above.

Further, in exercise of the powers conferred by sub-section (12) of Section 36 of the said Act, the Central Government hereby declares that this certificate of approval of the said model shall also cover the weighing instrument of same series with maximum capacity above 50kg and upto 5000 kg. and with number of verification scale interval (n) in the range of 500 to 10,000 for 'e' value of 100 mg. to 2g. or with verification scale interval (n) in the range of 500 to 10,000 for 'e' value of 5g. or more and with 'e' value of  $1 \times 10^k$ ,  $2 \times 10^k$  or  $5 \times 10^k$ , k being a positive or negative whole number or equal to zero manufactured by the same manufacturer with the same principle, design and with the same materials with which, the said approved model has been manufactured.

[F.No. WM-21(38)/2007]

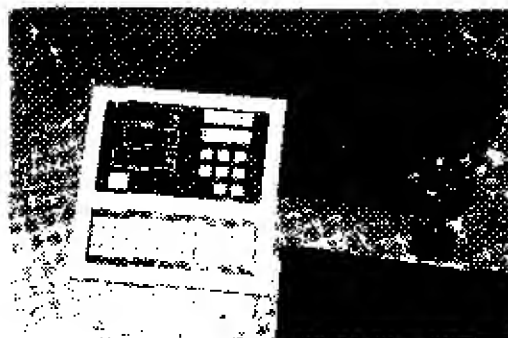
R. MATHURBOOTHAM, Director of Legal Metrology

नई दिल्ली, 7 मार्च, 2008

का. आ. 735.—केन्द्रीय सरकार का, विहित प्राधिकारी द्वारा उसे प्रस्तुत रिपोर्ट पर विचार करने के पश्चात् यह समाधान हो गया है कि उक्त रिपोर्ट में वर्णित मॉडल (नीचे दी गई आकृति देखें) वाट और माप मानक अधिनियम, 1976 (1976 का 60) तथा वाट और माप मानक (मॉडलों का अनुमोदन) नियम, 1987 के उपबंधों के अनुरूप है और इस बात की संभावना है कि लगातार प्रयोग की अधि में भी उक्त मॉडल यथार्थता बनाए रखेगा और विभिन्न परिस्थितियों में उपयुक्त सेवा प्रदान करता रहेगा ;

अतः, अब, केन्द्रीय सरकार, उक्त अधिनियम की धारा 36 की उपधारा (7) और उपधारा (8) द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए मैसर्स एचरी इंडिया लि., प्लॉट नं. 50-54, सेक्टर-25, बल्लभगढ़-121004, हरियाणा द्वारा विनिर्मित साधारण यथार्थता (यथार्थता वर्ग-[II]) वाले "एच एल 211ए" शृंखला के अंकक सूचन सहित, अस्वचालित तोलन उपकरण (प्लेटफार्म प्रकार) के मॉडल का, जिसके ब्रांड का नाम "एचरी" है (जिसे इसमें इसके पश्चात् उक्त मॉडल कहा गया है) और जिसे अनुमोदन चिह्न आई एन डी/09/07/371 समनुदेशित किया गया है, अनुमोदन प्रमाणपत्र जारी करती है।

उक्त मॉडल एक विकृत गेज प्रकार का भार सेल आधारित अस्वचालित (प्लेटफार्म प्रकार) तोलन उपकरण है। इसकी अधिकतम क्षमता 300 कि.ग्रा. है और न्यूनतम क्षमता 2 कि.ग्रा. है। सत्यापन मापमान अंतराल (ई) 100 ग्रा. है। इसमें एक आधेयतुलन युक्ति है जिसका शत प्रतिशत व्यक्ततात्मक धारित आधेयतुलन प्रभाव है। प्रकाश उत्सर्जक डायोड (एलईडी) प्रदर्श तोलन परिणाम उपदर्शित करता है। उपकरण 230 वोल्ट, 50 हर्ट्ज प्रत्यावर्ती धारा विद्युत प्रदाय पर कार्य करता है।



स्टाम्पिंग प्लेट के मुद्रांकन के अतिरिक्त मशीन को कपटपूर्ण व्यवहारों के लिए खोलने से रोकने के लिए सीलबन्द भी किया जाएगा और मॉडल को विक्री से पहले या बाद में उसकी सामग्री, यथार्थता, डिजाइन, सर्किट डायग्राम, निष्पादन सिद्धांत आदि की शर्तों पर परिवर्तित नहीं किया जाएगा।

और केन्द्रीय सरकार उक्त अधिनियम की धारा 36 की उपधारा (12) द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए यह घोषणा करती है कि उक्त मॉडल के अनुमोदन के इस प्रमाणपत्र के अंतर्गत उसी विनिर्माता द्वारा उसी सिद्धांत, डिजाइन के अनुसार और उसी सामग्री से जिससे उक्त अनुमोदित मॉडल विनिर्मित किया गया है, विनिर्मित उसी शृंखला के वैसे ही मेक, यथार्थता और कार्यपालन के तोलन उपकरण भी होंगे जो 5 ग्रा. या उससे अधिक के "ई" मान के लिए 500 से 10,000 तक के रेंज में सत्यापन मापमान अंतराल (एन) सहित 50 कि.ग्रा. से अधिक और 5000 कि.ग्रा. तक की अधिकतम क्षमता वाले हैं और "ई" मान  $1 \times 10^3$ ,  $2 \times 10^3$ ,  $5 \times 10^3$ , के हैं, जो घनात्मक या ऋणात्मक पूर्णांक या शून्य के समतुल्य हैं।

[फा. सं. डब्ल्यू एम-21(164)/2007]

आर. माधुरवृथम, निदेशक, विधिक माप विज्ञान



New Delhi, the 7th March, 2008

S.O. 735.—Whereas the Central Government, after considering the report submitted to it by the prescribed authority, is satisfied that the model described in the said report (see the figure given below) is in conformity with the provisions of the Standards of Weights and Measures Act, 1976 (60 of 1976) and the Standards of Weights and Measures (Approval of Models) Rules, 1987 and the said model is likely to maintain its accuracy over periods of sustained use and to render accurate service under varied conditions;

Now, therefore, in exercise of the powers conferred by sub-section (7) and (8) of Section 36 of the said Act, the Central Government hereby issues and publishes the certificate of approval of non-automatic weighing instrument (Platform type) with digital indication of "HL211A" series of medium accuracy (Accuracy class-III) and with brand name "Avery" (herein referred to as the said model), manufactured by M/s. Avery India Ltd, Plot No. 50-54, Sector-25, Ballabhgarh-121004, Haryana and which is assigned the approval mark IND/09/07/371;

The said model is a strain gauge type load cell based non-automatic weighing instrument (Platform type) with a maximum capacity of 300kg and minimum capacity of 2kg. The verification scale interval (e) is 100g. It has a tare device with a 100 per cent subtractive retained tare effect. The Light Emitting Diode (LED) display indicates the weighing results. The instrument operates on 230 Volts, 50 Hertz alternate current power supply.



In addition to sealing the stamping plate, sealing shall also be done to prevent the opening of the machine for fraudulent practices and model shall not be changed in terms of its material, accuracy, design, circuit diagram, working principle, etc. Sealing provision has been given at the side of the indicator of the machine along with stamping plate. A typical Schematic diagram of the sealing arrangement of the model has been given above.

Further, in exercise of the powers conferred by sub-section (12) of Section 36 of the said Act, the Central Government hereby declares that this certificate of approval of the said model shall also cover the weighing instruments of similar make, accuracy and performance of same series with maximum capacity above 50kg and up to 5000kg with verification scale interval(n) in the range of 500 to 10,000 for 'e' value of 5g or more and with 'e' value of  $1 \times 10^k$ ,  $2 \times 10^k$  or  $5 \times 10^k$ , k is a positive or negative whole number or equal to zero manufactured by the same manufacturer in accordance with the same principle, design and with the same materials with which, the said approved model has been manufactured.

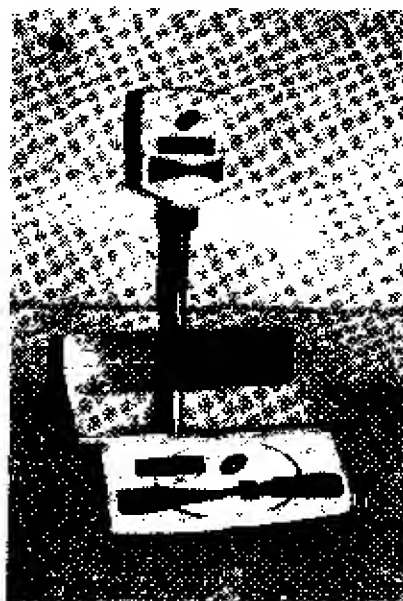
[F.No. WM-21(164)/2007]

R. MATHURBOOTHAM, Director of Legal Metrology

नई दिल्ली, 7 मार्च, 2008

क्र. आ. 736.—केन्द्रीय सरकार का, विहित प्राधिकारी द्वारा उसे प्रस्तुत रिपोर्ट पर विचार करने के पश्चात् यह समाधान हो गया है कि उक्त रिपोर्ट में वर्णित मॉडल (नीचे दी गई आकृति देखें) बाट और माप मानक अधिनियम, 1976 (1976 का 60) तथा बाट और माप मानक (मॉडलों का अनुमोदन) नियम, 1987 के उपबंधों के अनुरूप है और इस बात की संभावना है कि लगातार प्रयोग की अवधि में भी उक्त मॉडल यथार्थता बनाए रखेगा और विभिन्न परिस्थितियों में उपयुक्त सेवा प्रदान करता रहेगा;

अतः, अब, केन्द्रीय सरकार, उक्त अधिनियम की धारा 36 की उपधारा (7) और उपधारा (8) द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए मैसर्स बेंकटेश्वर वेडिंग स्केल्स# 1-7-1074/सी/3, श्री दत्ता साई कमर्शियल कॉमप्लैक्स, सप्तगिरी थियेटर के सामने, आर टी सी "X" रोड हैदराबाद-500020 द्वारा विनिर्मित उच्च यथार्थता (यथार्थता वर्ग-II) वाले "बी डब्ल्यू एस-एम पी" शृंखला के अस्वचालित अंकक सूचन सहित, तोलन उपकरण (टेबलटाप प्रकार) के मॉडल का, जिसके ब्रांड का नाम "गुस्ता" है (जिसे इसमें इसके पश्चात् उक्त मॉडल कहा गया है) और जिसे अनुमोदन चिह्न आई एन डी/09/07/279 समनुदेशित किया गया है, अनुमोदन प्रमाणपत्र जारी करती है।



उक्त मॉडल एक विकृत गेज प्रकार का भार सेल आधारित अस्वचालित (टेबलटाप प्रकार) तोलन उपकरण है। इसकी अधिकतम क्षमता 30 कि.ग्रा. है और न्यूनतम क्षमता 100 ग्रा. है। सत्यापन मापमान अंतराल (ई) 2 ग्रा. है। इसमें एक आधेयतुलन युक्ति है जिसका शत प्रतिशत व्यक्ततात्मक धारित आधेयतुलन प्रभाव है। प्रकाश उत्सर्जक डायोड (एलईडी) प्रदर्श तोलन परिणाम उपदर्शित करता है। उपकरण 230 वोल्ट, 50 हर्ट्ज प्रत्यावर्ती धारा विद्युत प्रदाय पर कार्य करता है।

स्ट्रामिंग प्लेट के मुद्रांकन के अतिरिक्त मशीन को कपटपूर्ण व्यवहारों के लिए खोलने से रोकने के लिए सीलबन्द भी किया जाएगा और मॉडल को बिक्री से पहले या बाद में उसकी सामग्री, यथार्थता, डिजाइन, सर्किट डायग्राम, निष्पादन सिद्धांत आदि की शर्तों पर परिवर्तित नहीं किया जाएगा।

और केन्द्रीय सरकार उक्त अधिनियम की धारा 36 की उपधारा (12) द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए यह घोषणा करती है कि उक्त मॉडल के अनुमोदन के इस प्रमाणपत्र के अंतर्गत उसी विनिर्माता द्वारा उसी सिद्धांत, डिजाइन के अनुसार और उसी सामग्री से जिससे उक्त अनुमोदित मॉडल का विनिर्माण किया गया है, विनिर्मित उसी शृंखला के वैसे ही मेक, यथार्थता और कार्यपालन के तोलन उपकरण भी होंगे जो 1 मि.ग्रा. से 50 मि.ग्रा. तक के "ई" मान के लिए 100 से 50,000 तक के रेंज में सत्यापन मापमान अंतराल (एन) और 100 मि.ग्रा. या उससे अधिक के "ई" मान के लिए 5000 से 50,000 तक की रेंज में सत्यापन मापमान अंतराल (एन) सहित 50 कि.ग्रा. तक की अधिकतम क्षमता वाले हैं और "ई" मान  $1 \times 10^4$ ,  $2 \times 10^4$  या  $5 \times 10^4$  के हैं, जो घनात्मक या ऋणात्मक पूर्णांक या शून्य के समतुल्य हैं।

[फा. सं. डब्ल्यू.एम-21(137)/2007]

आर. माधुरबुधम, निदेशक, विधिक माप विज्ञान

New Delhi, the 7th March, 2008

**S.O. 736.**—Whereas the Central Government, after considering the report submitted to it by the prescribed authority, is satisfied that the model described in the said report (see the figure given below) is in conformity with the provisions of the Standards of Weights and Measures Act, 1976 (60 of 1976) and the Standards of Weights and Measures (Approval of Models) Rules, 1987 and the said model is likely to maintain its accuracy over periods of sustained use and to render accurate service under varied conditions;

Now, therefore, in exercise of the powers conferred by sub-section (7) and (8) of Section 36 of the said Act, the Central Government hereby issues and publishes the certificate of approval of the model of non-automatic weighing instrument (Tabletop type) with digital indication of "VWS-MP" series of high accuracy (Accuracy class-II) and with brand name "TULA" (herein referred to as the said model), manufactured by M/s. Venkateshwara Weighing Scales, # 1-7-1074/C/3, Sri Datta Sai Commercial Complex, Opp. Sathagiri Theatre, RTC 'X' Road, Hyderabad-500020 and which is assigned the approval mark IND/09/07/279;



The said model is a strain gauge type load cell based non-automatic weighing instrument (Tabletop type) with a maximum capacity of 30kg and minimum capacity of 100g. The verification scale interval (e) is 2g. It has a tare device with a 100 per cent subtractive retained tare effect. The Light Emitting Diode (LED) display indicates the weighing results. The instrument operates on 230 Volts, 50 Hertz alternate current power supply.

In addition to sealing the stamping plate, sealing shall also be done to prevent the opening of the machine for fraudulent practices and model shall not be changed in terms of its material, accuracy, design, circuit diagram, working principle, etc. before or after sale.

Further, in exercise of the powers conferred by sub-section (12) of Section 36 of the said Act, the Central Government hereby declares that this certificate of approval of the said model shall also cover the weighing instruments of similar make and performance of same series with maximum capacity upto 50kg and with number of verification scale interval (n) in the range of 100 to 50,000 for 'e' value of 1mg to 50mg and with number of verification scale interval (n) in the range of 5,000 to 50,000 for 'e' value of 100mg or more and with 'e' value of  $1 \times 10^k$ ,  $2 \times 10^k$  or  $5 \times 10^k$ , k being a positive or negative whole number or equal to zero manufactured by the same manufacturer in accordance with the same principle, design and with the same materials with which, the said approved model has been manufactured.

[F.No. WM-21(137)/2007]

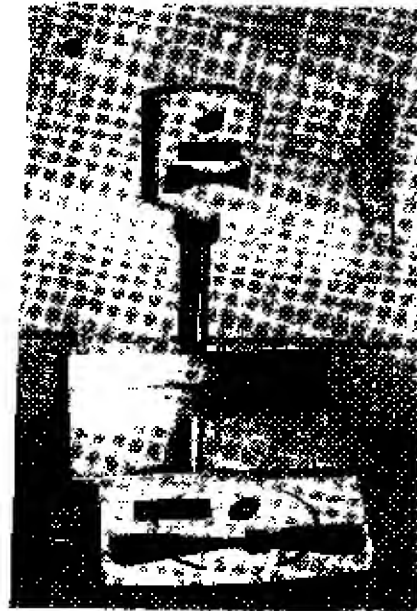
R. MATHURBOOTHAM, Director of Legal Metrology

नई दिल्ली, 7 मार्च, 2008

का. आ. 737.—केन्द्रीय सरकार का, विहित प्राधिकारी द्वारा उसे प्रस्तुत रिपोर्ट पर विचार करने के पश्चात् यह समाधान हो गया है कि उक्त रिपोर्ट में वर्णित मॉडल (नीचे दी गई आकृति देखें) बाट और माप मानक अधिनियम, 1976 (1976 का 60) तथा बाट और माप मानक (मॉडलों का अनुमोदन) नियम, 1987 के उपबंधों के अनुरूप है और इस बात की संभावना है कि लगातार प्रयोग की अवधि में भी उक्त मॉडल यथार्थता बनाए रखेगा और विभिन्न परिस्थितियों में उपयुक्त सेवा प्रदान करता रहेगा ;

अतः, अब, केन्द्रीय सरकार, उक्त अधिनियम की धारा 36 की उपधारा (7) और उपधारा (8) द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए मैसर्स वेंकटरवर येइंग स्कोल्स# 1-7-1074/सी/3, श्री दत्ता साई कमर्शियल कॉमप्लैक्स, सप्तगिरी थियेटर के सामने, आर टी सी "X" रोड हैदराबाद-500 020 द्वारा विनिर्मित मध्यम यथार्थता (यथार्थता वर्ग-II) वाले "बी डब्ल्यू एस-टी बी" शृंखला के अस्वचालित अंकक सूचन सहित, तोलन उपकरण (टेबलटॉप प्रकार) के मॉडल का, जिसके ब्रांड का नाम "तुला" है (जिसे इसमें इसके पश्चात् उक्त मॉडल कहा गया है) और जिसे अनुमोदन चिह्न आई एन डी/09/07/280 समनुदेशित किया गया है, अनुमोदन प्रमाण-पत्र जारी करती है ।

उक्त मॉडल एक विकृत गेज प्रकार का भार सेल आधारित अस्वचालित (टेबलटॉप प्रकार) तोलन उपकरण है । इसकी अधिकतम क्षमता 30 कि.ग्रा. है और न्यूनतम क्षमता 100 ग्रा. है । सत्यापन मापमान अंतराल (ई) 5 ग्रा. है । इसमें एक आधेयतुलन युक्ति है जिसका शत प्रतिशत व्यवकलनात्मक धारित आधेयतुलन प्रभाव है । प्रकाश उत्सर्जक डायोड (एलईडी) प्रदर्श तोलन परिणाम उपदर्शित करता है । उपकरण 230 वोल्ट और 50 हर्ट्ज प्रत्यावर्ती धारा विद्युत प्रदाय पर कार्य करता है ।



स्टाम्पिंग प्लेट के मुद्रांकन के अतिरिक्त मशीन को कपटपूर्ण व्यवहारों के लिए खोले जाने से रोकने के लिए सीलबन्द भी किया जाएगा और मॉडल को बिक्री से पहले या बाद में उसकी सामग्री, यथार्थता, डिजाइन, सर्किट डायग्राम, निष्पादन सिद्धांत आदि की शर्तों पर परिवर्तित नहीं किया जाएगा ।

और केन्द्रीय सरकार उक्त अधिनियम की धारा 36 की उपधारा (12) द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए यह घोषणा करती है कि उक्त मॉडल के अनुमोदन के इस प्रमाण-पत्र के अंतर्गत उसी विनिर्माता द्वारा उसी सिद्धांत, डिजाइन के अनुसार और उसी सामग्री से जिससे उक्त अनुमोदित मॉडल विनिर्माण किया गया है, विनिर्मित उसी शृंखला के वैसे ही मेक, यथार्थता और कार्यपालन के तोलन उपकरण भी होंगे जो 100 मि.ग्रा. से 2 ग्रा. तक के "ई" मान के लिए 100 से 10,000 तक के रेंज में सत्यापन मापमान अंतराल (एन) और 5 ग्रा. या उससे अधिक के "ई" मान के लिए 500 से 10,000 तक की रेंज में सत्यापन मापमान अंतराल (एन) सहित 50 कि.ग्रा. तक की अधिकतम क्षमता वाले हैं और "ई" मान  $1 \times 10^3$ ,  $2 \times 10^3$  या  $5 \times 10^3$  के हैं, जो धनात्मक या ऋणात्मक पूर्णांक या शून्य के समतुल्य हैं ।

[फा. सं. डब्ल्यू एम-21(137)/2007]

आर. माधुरवृधम, निदेशक, विधिक माप विज्ञान

New Delhi, the 7th March, 2008

S.O. 737.—Whereas the Central Government, after considering the report submitted to it by the prescribed authority, is satisfied that the model described in the said report (see the figure given below) is in conformity with the provisions of the Standards of Weights and Measures Act, 1976 (60 of 1976) and the Standards of Weights and Measures (Approval of Models) Rules, 1987 and the said model is likely to maintain its accuracy over periods of sustained use and to render accurate service under varied conditions ;

Now, therefore, in exercise of the powers conferred by sub-sections (7) and (8) of Section 36 of the said Act, the Central Government hereby issues and publishes the certificate of approval of the model of non-automatic (Table top type) weighing instrument with digital indication of "VWS-TB" series of medium accuracy (accuracy class-III) and with brand name "TULA" (herein referred to as the said model), manufactured by M/s. Venkateshwara Weighing Scales, # 1-7-1074/C/3, Sri Datta Sai Commercial Complex, Opp. Sathagiri Theatre, RTC 'X' Road, Hyderabad-500 020 and which is assigned the approval mark IND/09/07/280 ;

The said model is a strain gauge type load cell based non-automatic weighing instrument (Table top type) with a maximum capacity of 30kg and minimum capacity of 100g. The verification scale interval (e) is 5g. It has a tare device with a 100 per cent subtractive retained tare effect. The Light Emitting Diode (LED) display indicates the weighing results. The instrument operates on 230 Volts, 50 Hertz alternative current power supply.



In addition to sealing the stamping plate, sealing shall also be done to prevent the opening of the machine for fraudulent practices and model shall not be changed in terms of its material, accuracy, design, circuit diagram, working principle, etc. before or after sale.

Further, in exercise of the powers conferred by sub-section (12) of Section 36 of the said Act, the Central Government hereby declares that this certificate of approval of the said model shall also cover the weighing instrument of similar make, accuracy and performance of same series with maximum capacity upto 50kg with verification scale interval (n) in the range of 100 to 10,000 for 'e' value of 100mg to 2g or with verification scale interval (n) in the range of 500 to 10,000 for 'e' value of 5g or more and with 'e' value of  $1 \times 10^k$ ,  $2 \times 10^k$  or  $5 \times 10^k$ , k being a positive or negative whole number or equal to zero manufactured by the same manufacturer in accordance with the same principle, design and with the same materials with which, the said approved model has been manufactured.

[F.No. WM-21(137)/2007]

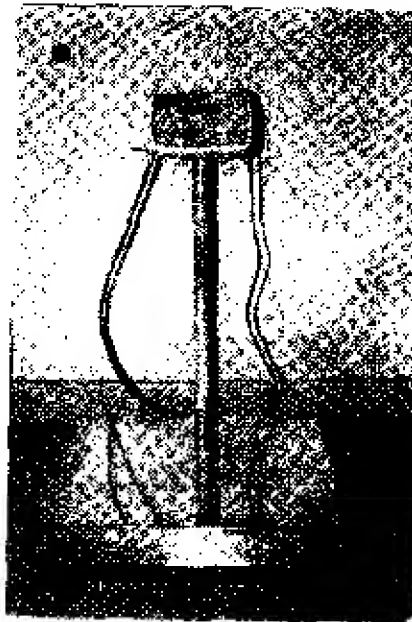
R. MATHURBOOTHAM, Director of Legal Metrology

नई दिल्ली, 7 मार्च, 2008

का. आ. 738.--केन्द्रीय सरकार का, विहित प्राधिकारी द्वारा उसे प्रस्तुत रिपोर्ट पर विचार करने के पश्चात् यह समाधान हो गया है कि उक्त रिपोर्ट में वर्णित मॉडल (नीचे दी गई आकृति देखें) बाट और माप मानक अधिनियम, 1976 (1976 का 60) तथा बाट और माप मानक (मॉडलों का अनुमोदन) नियम, 1987 के उपबंधों के अनुरूप है और इस बात की संभावना है कि लगातार प्रयोग की अवधि में भी उक्त मॉडल यथार्थता बनाए रखेगा और विभिन्न परिस्थितियों में उपयुक्त सेवा प्रदान करता रहेगा ;

अतः, अब, केन्द्रीय सरकार, उक्त अधिनियम की धारा 36 की उप-धारा (7) और उप-धारा (8) द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए मैसर्स वेंकटेश्वर वेईंग स्केल्स# 1-7-1074/सी/3, श्री दत्ता साई कमर्शियल कॉम्प्लैक्स, सप्तगिरी थियेटर के सामने, आर टी सी "X" रोड हैदराबाद-500 020 द्वारा विनिर्मित उच्च यथार्थता (यथार्थता वर्ग-II) वाले "वी डब्ल्यू एस-पी पी" शृंखला के अस्वचालित अंकक सूचन सहित, तोलन उपकरण (प्लेटफॉर्म प्रकार) के मॉडल का, जिसके ब्रांड का नाम "तुला" है (जिसे इसमें इसके पश्चात् उक्त मॉडल कहा गया है) और जिसे अनुमोदन विह आई एन डी/09/07/281 सन्तुष्ट किया गया है, अनुमोदन प्रमाण-पत्र जारी करती है।

उक्त मॉडल एक विकृत गेज प्रकार का भार सेल आधारित अस्वचालित (प्लेटफॉर्म प्रकार) तोलन उपकरण है। इसकी अधिकतम क्षमता 600 कि.ग्रा. है और न्यूनतम क्षमता 2.5 कि.ग्रा. है। सत्यापन मापमान अंतराल (ई) 50 ग्रा. है। इसमें एक आधेयतुलन युक्ति है जिसका शत प्रतिशत व्यवकलनात्मक धारित आधेयतुलन प्रभाव है। प्रकाश उत्सर्जक डायोड (एलईडी) प्रदर्श तोलन परिणाम उपदर्शित करता है। उपकरण 230 वोल्ट, 50 हर्ट्ज प्रत्यावर्ती धारा विद्युत प्रदाय पर कार्य करता है।



स्टाम्पिंग प्लेट के मुद्रांकन के अतिरिक्त मशीन को कष्टपूर्ण व्यवहारों के लिए खोलने से रोकने के लिए सीलबन्द भी किया जाएगा तथा मॉडल को बिक्री से पहले या बाद में उसकी सामग्री, यथार्थता, डिजाइन, सर्किट डायग्राम, निष्पादन सिद्धांत आदि की शर्तों पर परिवर्तित नहीं किया जाएगा।

और केन्द्रीय सरकार उक्त अधिनियम की धारा 36 की उप-धारा (12) द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए यह घोषणा करती है कि उक्त मॉडल के अनुमोदन के इस प्रमाण-पत्र के अंतर्गत उसी विनिर्माता द्वारा उसी सिद्धांत, डिजाइन के अनुसार और उसी सामग्री से जिससे उक्त अनुमोदित मॉडल विनिर्माण किया गया है, विनिर्मित उसी शृंखला के वैसे ही मॉक, यथार्थता और कार्यपालन के तोलन उपकरण भी होंगे जो 1 मि.ग्रा. से 50 मि.ग्रा. तक के "ई" मान के लिए 100 से 50,000 तक के रेंज में सत्यापन मापमान अंतराल (एन) और 100 मि.ग्रा. या उससे अधिक के "ई" मान के लिए 5000 से 50,000 तक की रेंज में सत्यापन मापमान अंतराल (एन) सहित 50 कि.ग्रा. से 5000 कि.ग्रा. तक की अधिकतम क्षमता वाले हैं और "ई" मान  $1 \times 10^4$ ,  $2 \times 10^4$  या  $5 \times 10^4$ , के हैं, जो घनात्मक या ऋणात्मक पूर्णांक या शून्य के समतुल्य हैं।

[फा. सं. डब्ल्यू एस-21(137)/2007]

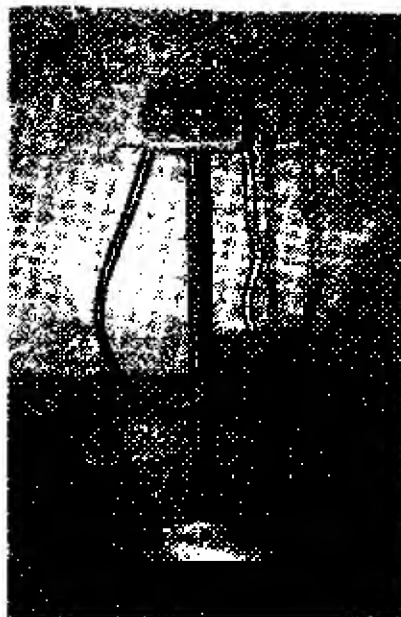
आर. माधुराधम, निदेशक, विधिक माप विज्ञान

New Delhi, the 7th March, 2008

**S.O. 738.**—Whereas the Central Government, after considering the report submitted to it by the prescribed authority, is satisfied that the model described in the said report (see the figure given below) is in conformity with the provisions of the Standards of Weights and Measures Act, 1976 (60 of 1976) and the Standards of Weights and Measures (Approval of Models) Rules, 1987 and the said model is likely to maintain its accuracy over periods of sustained use and to render accurate service under varied conditions;

Now, therefore, in exercise of the powers conferred by sub-sections (7) and (8) of Section 36 of the said Act, the Central Government hereby issues and publishes the certificate of approval of the model of non-automatic weighing instrument (Platform type) with digital indication of "VWS-PP" series of high accuracy (Accuracy class-II) and with brand name "TULA" (herein referred to as the said model), manufactured by M/s. Venkateshwara Weighing Scales, # 1-7-1074/C/3, Sri Datta Sai Commercial Complex, Opp. Sathagiri Theatre, RTC 'X' Road, Hyderabad-500 020 and which is assigned the approval mark IND/09/07/281;

The said model is a strain gauge type load cell based non-automatic weighing instrument (Platform type) with a maximum capacity of 600kg and minimum capacity of 2.5kg. The verification scale interval (e) is 50g. It has a tare device with a 100 per cent subtractive retained tare effect. The Light Emitting Diode (LED) display indicates the weighing results. The instrument operates on 230 Volts, 50 Hertz alternative current power supply.



In addition to sealing the stamping plate, sealing shall also be done to prevent the opening of the machine for fraudulent practices and model shall not be changed in terms of its material, accuracy, design, circuit diagram, working principle, etc. before or after sale.

Further, in exercise of the powers conferred by sub-section (12) of Section 36 of the said Act, the Central Government hereby declares that this certificate of approval of the said model shall also cover the weighing instruments of similar make and performance of same series with maximum capacity above 50kg and up to 5000kg and with number of verification scale interval (n) in the range of 100 to 50,000 for 'e' value of 1mg to 50mg and with verification scale interval (n) in the range of 5000 to 50,000 for 'e' value of 100mg or more and with 'e' value of  $1 \times 10^k$ ,  $2 \times 10^k$  or  $5 \times 10^k$ , k being a positive or negative whole number or equal to zero manufactured by the same manufacturer in accordance with the same principle, design, accuracy and with the same materials with which, the said approved model has been manufactured.

[F.No. WM-21(137)/2007]

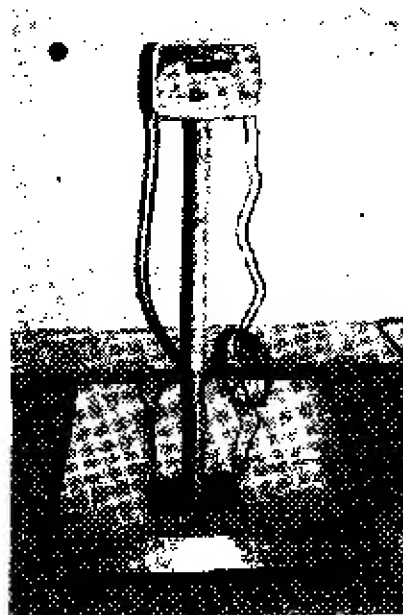
R. MATHURBOOTHAM, Director of Legal Metrology

नई दिल्ली, 7 मार्च, 2008

क्र. आ. 739.—केन्द्रीय सरकार का, विहित प्राधिकारी द्वारा उसे प्रस्तुत रिपोर्ट पर विचार करने के पश्चात् यह समाधान हो गया है कि उक्त रिपोर्ट में वर्णित मॉडल (नीचे दी गई आकृति देखें) वाट और माप मानक अधिनियम, 1976 (1976 का 60) तथा वाट और माप मानक (मॉडलों का अनुमोदन) नियम, 1987 के उपबंधों के अनुरूप है और इस बात की संभावना है कि लगातार प्रयोग की अवधि में भी उक्त मॉडल यथार्थता बनाए रखेगा और विभिन्न परिस्थितियों में उपयुक्त सेवा प्रदान करता रहेगा ;

अतः, अब, केन्द्रीय सरकार, उक्त अधिनियम की धारा 36 की उपधारा (7) और उपधारा (8) द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए मैसर्स वेंकटेश्वर वेडिंग स्कैल्स# 1-7-1074/सी/3, श्री दत्ता साई कामर्शियल कॉम्प्लैक्स, सप्तगिरी थियेटर के सामने, आर टी सी "X" रोड हैदराबाद-500 020 द्वारा विनिर्मित मध्यम यथार्थता (यथार्थता वर्ग-III) वाले "वी डब्ल्यू एस-पी एक" शृंखला के स्वतः सूचक, अस्वचालित, अंकक सूचन सहित, तोलन उपकरण (प्लेटफार्म प्रकार) के मॉडल का, जिसके ब्रांड का नाम "तुला" है (जिसे इसमें इसके पश्चात् उक्त मॉडल कहा गया है) और जिसे अनुमोदन चिह्न आई एन डी/09/07/282 सम्पुर्णित किया गया है, अनुमोदन प्रमाण-पत्र जारी करती है ।

उक्त मॉडल एक विकृत गेज प्रकार का भार सेल आधारित अस्वचालित तोलन उपकरण है । इसकी अधिकतम क्षमता 1000 कि.ग्रा. है और न्यूनतम क्षमता 4 कि.ग्रा. है । स्थापन मापमान अंतराल (ई) 200 ग्रा. है । इसमें एक आधेयतुलन युक्ति है जिसका शत प्रतिशत व्यवस्थिततात्मक धारित आधेयतुलन प्रभाव है । प्रकाश उत्सर्जक डायोड (एलईडी) प्रदर्श तोलन परिणाम उपदर्शित करता है । उपकरण 230 वोल्ट, और 50 हर्ट्ज प्रत्यावर्ती धारा विद्युत प्रदाय पर कार्य करता है ।



स्टैमिंग प्लेट के मुद्रांकन के अतिरिक्त मशीन को कपटपूर्ण व्यवहारों के लिए खोलने से रोकने के लिए सीलबन्द भी किया जाएगा और मॉडल को बिक्री से पहले या बाद में उसकी सामग्री, यथार्थता, डिजाइन, सर्किट डायग्राम, निष्पादन सिद्धांत आदि की शर्तों पर परिवर्तित नहीं किया जाएगा ।

और केन्द्रीय सरकार उक्त अधिनियम की धारा 36 की उपधारा (12) द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए यह घोषणा करती है कि उक्त मॉडल के अनुमोदन के इस प्रमाण-पत्र के अंतर्गत उसी विनिर्माता द्वारा उसी सिद्धांत, डिजाइन के अनुसार और उसी सामग्री से जिससे उक्त अनुमोदित मॉडल विनिर्माण किया गया है, विनिर्मित उसी शृंखला के जैसे ही मेक, यथार्थता और कार्यपालन के तोलन उपकरण भी होंगे जो 5 ग्रा. या उससे अधिक के "ई" मान के लिए 500 से 10,000 तक के रेंज में स्थापन मापमान अंतराल (एन) सहित 50 कि.ग्रा. से अधिक और 5000 कि.ग्रा. तक की अधिकतम क्षमता वाले हैं और "ई" मान  $1 \times 10^3$ ,  $2 \times 10^3$ ,  $5 \times 10^3$ , के हैं, जो धनात्मक या ऋणात्मक पूर्णांक या शून्य के समतुल्य हैं ।

[फा. सं. डब्ल्यू एम-21(137)/2007]

आर. माधुराधम, निदेशक, विधिक माप विज्ञान

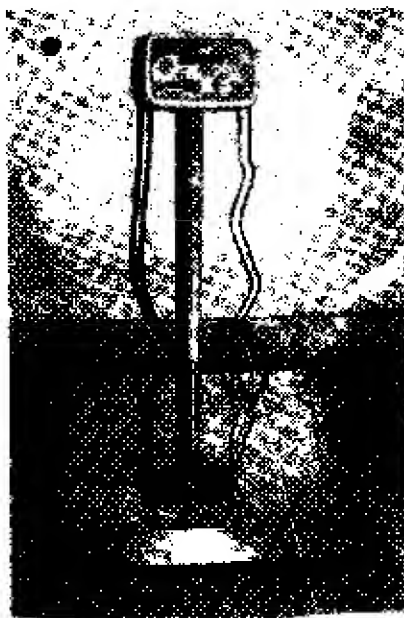


New Delhi, the 7th March, 2008

S.O. 739.—Whereas the Central Government, after considering the report submitted to it by the prescribed authority, is satisfied that the Model described in the said report (see the figure given below) is in conformity with the provisions of the Standards of Weights and Measures Act, 1976 (60 of 1976) and the Standards of Weights and Measures (Approval of Models) Rules, 1987 and the said Model is likely to maintain its accuracy over periods of sustained use and to render accurate service under varied conditions ;

Now, therefore, in exercise of the powers conferred by sub-sections (7) and (8) of Section 36 of the said Act, the Central Government hereby issues and publishes the certificate of approval of the Model of the self indicating, non-automatic (Platform type) weighing instrument with digital indication of "VWS-PF" series of medium accuracy (Accuracy class-III) and with brand name "TULA" (herein referred to as the said Model), manufactured by M/s. Venkateshwara Weighing Scales, # 1-7-1074/C/3, Sri Datta Sai Commercial Complex, Opp. Sapthagiri Theatre, RTC 'X' Road, Hyderabad-500 020 and which is assigned the approval mark IND/09/07/282;

The said Model is a strain gauge type load cell based non-automatic weighing instrument with a maximum capacity of 1000kg and minimum capacity of 4kg. The verification scale interval (e) is 200g. It has a tare device with a 100 per cent subtractive retained tare effect. The Light Emitting Diode (LED) display indicates the weighing results. The instrument operates on 230 Volts, 50 Hertz alternate current power supply.



In addition to sealing the stamping plate, sealing shall also be done to prevent the opening of the machine for fraudulent practices and Model shall not be changed in terms of its material, accuracy, design, circuit diagram, working principle, etc. before or after sale.

Further, in exercise of the powers conferred by sub-section (12) of Section 36 of the said Act, the Central Government hereby declares that this certificate of approval of the said Model shall also cover the weighing instruments of same series with maximum capacity above 50kg and up to 5000kg and with number of verification scale interval (n) in the range of 500 to 10,000 for 'e' value of of 5g or more and with 'e' value of  $1 \times 10^k$ ,  $2 \times 10^k$  or  $5 \times 10^k$ , k being the positive or negative whole number or equal to zero manufactured by the same manufacturer with the same principle, design and with the same materials with which, the said approved model has been manufactured.

[F.No. WM-21(137)/2007]

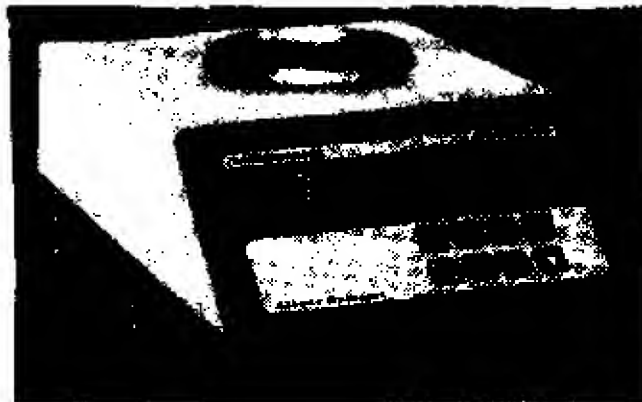
R. MATHURBOOTHAM, Director of Legal Metrology

नई दिल्ली, 7 मार्च, 2008

का. आ. 740.—केन्द्रीय सरकार का, विहित अधिकारी द्वारा उसे प्रस्तुत रिपोर्ट पर विचार करने के पश्चात् यह समाधान हो गया है कि उक्त रिपोर्ट में वर्णित मॉडल (नीचे दी गई आकृति देखें) बाट और माप मानक अधिनियम, 1976 (1976 का 60) तथा बाट और माप मानक (मॉडलों का अनुमोदन) नियम, 1987 के उपबंधों के अनुरूप है और इस बात की संभावना है कि लगातार प्रयोग की अवधि में भी उक्त मॉडल यथार्थता बनाए रखेगा और विभिन्न परिस्थितियों में उपयुक्त सेवा प्रदान करता रहेगा ;

अतः, अब, केन्द्रीय सरकार, उक्त अधिनियम की धारा 36 की उपधारा (7) और उपधारा (8) द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए मैसर्स लिब्रार सिस्टम्स, बी बी पार्टिल कम्पाउण्ड, थाने-421 204 द्वारा विनिर्मित विशेष यथार्थता (यथार्थता वर्ग-1) वाले "आरबी-223" शृंखला के अंकक सूचन सहित, अस्वचालित तोलन उपकरण (टेबल टॉप प्रकार) के मॉडल का, जिसके ब्रांड का नाम "लिब्रार" है (जिसे इसमें इसके पश्चात् उक्त मॉडल कहा गया है) और जिसे अनुमोदन चिह्न आई एन डी/09/07/343 समनुदेशित किया गया है, अनुमोदन प्रमाण-पत्र जारी करती है।

उक्त मॉडल एक इलेक्ट्रो मैग्नेटिक फोर्स कम्पेंशन सिद्धांत पर आधारित अस्वचालित तोलन उपकरण है। इसकी अधिकतम क्षमता 220 ग्रा. है और न्यूनतम क्षमता 100 मि.ग्रा. है। सत्यापन मापमान अंतराल (ई) 1 मि.ग्रा. है। इसमें एक आधेयतुलन युक्ति है जिसका शत प्रतिशत व्यवकलनात्मक धारित आधेयतुलन प्रभाव है। प्रकाश उत्सर्जक डायोड (एलईडी) प्रदर्श तोलन परिणाम उपदर्शित करता है। उपकरण 230 वोल्ट और 50 हर्ट्ज प्रत्यावर्ती धारा विद्युत प्रदाय पर कार्य करता है।



आकृति 2. मॉडल के सोलिंग करने के प्रावधान का योजनाबद्ध डायग्राम

बोटेम प्लेट पर और इंडीकेटर के साइड प्लेट पर दो छेद करके सोलिंग की जाती है और इन छेदों से टिक्सट सोलिंग तार डाली जाती है और उसके बाद लीड द्वारा सील की जाती है। मॉडल के सोलिंग प्रावधान के टाइपिकल सिमेटिक डायग्राम ऊपर दिया गया है।

और केन्द्रीय सरकार उक्त अधिनियम की धारा 36 की उपधारा (12) द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए यह घोषणा करती है कि उक्त मॉडल के अनुमोदन के इस प्रमाण-पत्र के अंतर्गत उसी विनिर्माता द्वारा उसी सिद्धांत, डिजाइन के अनुसार और उसी सामग्री से जिससे उक्त अनुमोदित मॉडल विनिर्माण किया गया है, विनिर्मित उसी शृंखला के चैस ही मेक, यथार्थता और कार्यपालन के तोलन उपकरण भी होंगे जो 1 मि.ग्रा. अथवा उससे अधिक के "ई" मान के लिए 50,000 की रेंज में सत्यापन मापमान अंतराल (एन) सहित 50 कि.ग्रा. तक की अधिकतम क्षमता वाले हैं और "ई" मान  $1 \times 10^3$ ,  $2 \times 10^3$  अथवा  $5 \times 10^3$  के हैं, जहां पर 'के' धनात्मक या ऋणात्मक पूर्णांक या शून्य के समतुल्य हैं

[फा. सं. डब्ल्यू एम-21(107)/2007]

आर. माधुरबोधम, निदेशक, विधिक माप विज्ञान

New Delhi, the 7th March, 2008

S.O. 740.—Whereas the Central Government, after considering the report submitted to it by the prescribed authority, is satisfied that the Model described in the said report (see the figure given below) is in conformity with the provisions of the Standards of Weights and Measures Act, 1976 (60 of 1976) and the Standards of Weights and Measures (Approval of Models) Rules, 1987 and the said Model is likely to maintain its accuracy over periods of sustained use and to render accurate service under varied conditions ;

Now, therefore, in exercise of the powers conferred by sub-sections (7) and (8) of Section 36 of the said Act, the Central Government hereby issues and publishes the certificate of approval of the Model of non-automatic weighing instrument (Tabletop type) with digital indication of special accuracy (Accuracy class-I) of series "RB-223" and with brand name "LIBRAR" (hereinafter referred to as the said Model), manufactured by M/s. Librar Systems, B.B. Patil Compound, Thane-421204 and which is assigned the approval mark IND/09/07/343;

The said Model is an Electro Magnetic Force Compensation Principle based non-automatic weighing instrument with a maximum capacity of 220g and minimum capacity of 100mg. The verification scale interval ( $e$ ) is 1mg. It has a tare device with a 100 per cent subtractive retained tare effect. The Light Emitting Diode (LED) display indicates the weighing results. The instrument operates on 230 Volts, 50 Hertz alternate current power supply.

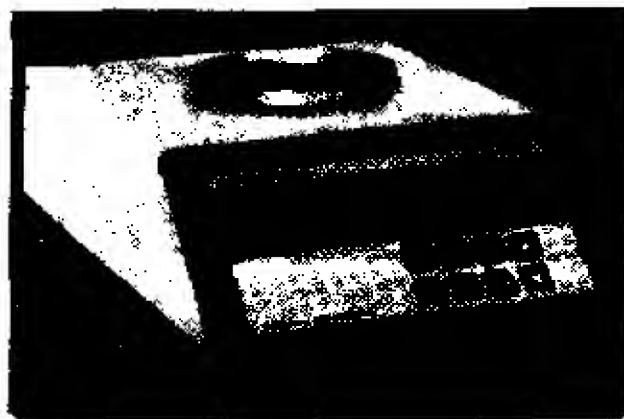


Figure-2. Schematic diagram of sealing provision of the Model.

The sealing is done by making two holes, one in bottom plate and other in the side plate and a twisted sealing wire is passed from these holes and then sealed by the lead. A typical schematic diagram of sealing provision of the Model is given above.

Further, in exercise of the powers conferred by sub-section (12) of Section 36 of the said Act, the Central Government hereby declares that this certificate of approval of the said Model shall also cover the weighing instruments of similar make, accuracy and performance of same series with maximum capacity upto 50kg with verification scale interval ( $n$ ) in the range of 50,000 or above for 'e' value of 1mg or more and with 'e' value of  $1 \times 10^k$ ,  $2 \times 10^k$  or  $5 \times 10^k$ , where  $k$  is a positive or negative whole number or equal to zero manufactured by the same manufacturer in accordance where the same principle, design and with the same materials with which, the said approved Model has been manufactured.

[F.No. WM-21(107)/2007]

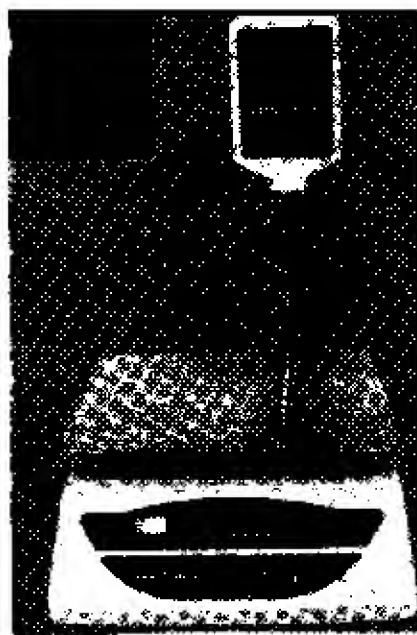
R. MATHURBOOTHAM, Director of Legal Metrology

नई दिल्ली, 7 मार्च, 2008

का. आ. 741.—केन्द्रीय सरकार का, विहित प्राधिकारी द्वारा उसे प्रस्तुत रिपोर्ट पर विचार करने के पश्चात् यह समाधान हो गया है कि उक्त रिपोर्ट में वर्णित मॉडल (नीचे दी गई आकृति देखें) बाट और माप मानक अधिनियम, 1976 (1976 का 60) तथा बाट और माप मानक (मॉडलों का अनुमोदन) नियम, 1987 के उपबंधों के अनुरूप है और इस बात की संभावना है कि लगातार प्रयोग की अवधि में भी उक्त मॉडल यथार्थता बनाए रखेगा और विभिन्न परिस्थितियों में उपयुक्त सेवा प्रदान करता रहेगा ;

अतः, अब, केन्द्रीय सरकार, उक्त अधिनियम की धारा 36 की उपधारा (7) और उपधारा (8) द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए मैसर्स लिन्नार सिस्टम्स, बी बी पाटिल कम्पाउंड, धाने-42। 204 द्वारा विनिर्मित उच्च यथार्थता (यथार्थता वर्ग-II) वाले "एसबी-100000" शृंखला के अंकक सूचन सहित, अस्वचालित तोलन उपकरण (टेबल टाप प्रकार) के मॉडल का, जिसके ब्रांड का नाम "लिन्नार" है (जिसे इसमें इसके पश्चात् उक्त मॉडल कहा गया है) और जिसे अनुमोदन चिह्न आई एन डी/09/07/344 समनुदेशित किया गया है, अनुमोदन प्रमाण-पत्र जारी करती है।

उक्त मॉडल एक इलेक्ट्रो मैग्नेटिक फोर्स कम्पेंशन सिद्धांत पर आधारित अस्वचालित (टेबल टाप प्रकार) तोलन उपकरण है। इसकी अधिकतम क्षमता 10 कि.ग्रा. है और न्यूनतम क्षमता 5 ग्रा. है। सत्यापन मापमान अंतराल (ई) 0.1 ग्रा. है। इसमें एक आधेयतुलन युक्ति है जिसका शत प्रतिशत व्यवकलनात्मक धारित आधेयतुलन प्रभाव है। प्रकाश उत्सर्जक डायोड (एलईडी) तोलन परिणाम उपदर्शित करता है। उपकरण 230 वोल्ट, 50 हर्ट्ज प्रत्यावर्ती धारा विद्युत प्रदाय पर कार्य करता है।



आकृति 2. मॉडल के सीलिंग करने के प्रावधान का योजनाबद्ध डायग्राम

बोटम प्लेट पर और इंडीकेटर के साइड प्लेट पर दो छेद करके सीलिंग की जाती है और इन छेदों से टिक्सट सीलिंग तार डाली जाती है और उसके बाद लीड द्वारा सील की जाती है। मॉडल के सीलिंग प्रावधान के टाइपिकल सिमेटिक डायग्राम ऊपर दिया गया है।

और केन्द्रीय सरकार उक्त अधिनियम की धारा 36 की उपधारा (12) द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए यह घोषणा करती है कि उक्त मॉडल के अनुमोदन के इस प्रमाण-पत्र के अंतर्गत उसी विनिर्माता द्वारा उसी सिद्धांत, डिजाइन के अनुसार और उसी सामग्री से जिससे उक्त अनुमोदित मॉडल विनिर्माण किया गया है, विनिर्मित उसी शृंखला के वैसे ही मेक, यथार्थता और कार्यपालन के तोलन उपकरण भी होंगे जो 1 मि.ग्रा. से 50 मि.ग्रा. तक के 'ई' मान के लिए 100 से 50,000 की रेंज में और 100 मि.ग्रा. अथवा उससे अधिक के 'ई' मान के लिए 5000 से 50,000 की रेंज में सत्यापन मापमान अंतराल (एन) सहित 50 कि.ग्रा. तक की अधिकतम क्षमता वाले हैं और "ई" मान  $1 \times 10^6$ ,  $2 \times 10^6$  या  $5 \times 10^6$ , के हैं, जहां पर 'के' धनात्मक या ऋणात्मक पूर्णांक या शून्य के समतुल्य हैं।

[फा. सं. डब्ल्यू एम-21(107)/2007]

आर. माधुरबुधम, निदेशक, विधिक माप विज्ञान

New Delhi, the 7th March, 2008

**S.O. 741.**—Whereas the Central Government, after considering the report submitted to it by the prescribed authority, is satisfied that the model described in the said report (see the figure given below) is in conformity with the provisions of the Standards of Weights and Measures Act, 1976 (60 of 1976) and the Standards of Weights and Measures (Approval of Models) Rules, 1987 and the said model is likely to maintain its accuracy over periods of sustained use and to render accurate service under varied conditions :

Now, therefore, in exercise of the powers conferred by sub-sections (7) and (8) of Section 36 of the said Act, the Central Government hereby issues and publishes the certificate of approval of the model of non-automatic weighing instrument (Tabletop type) with digital indication of high accuracy (Accuracy class-II) of series "SB-100000" and with brand name "LIBRAR" (hereinafter referred to as the said model), manufactured by M/s. Librar Systems, B.B. Patil Compound, Thane-421204 and which is assigned the approval mark IND/09/07/344;

The said model is an Electro Magnetic Force Compensation Principle based non-automatic weighing instrument (Table top type) with a maximum capacity of 10kg. and minimum capacity of 5g. The verification scale interval (e) is 0.1g. It has a tare device with a 100 per cent subtractive retained tare effect. The Light Emitting Diode (LED) display indicates the weighing results. The instrument operates on 230 Volts, 50 Hertz alternative current power supply.



Figure-2. Sealing arrangement

The sealing is done by making two holes, one in bottom plate and other in the side plate and a twisted sealing wire is passed from these holes and then sealed by the lead. A typical schematic diagram of sealing provision of the model is given above.

Further, in exercise of the powers conferred by sub-section (12) of Section 36 of the said Act, the Central Government hereby declares that this certificate of approval of the said model shall also cover the weighing instruments of similar make, accuracy and performance of same series with maximum capacity upto 50kg. with verification scale interval (n) in the range of 100 to 50,000 for 'e' value of 1mg. to 50mg. and with verification scale interval (n) in the range of 5000 to 50,000 for 'e' value value of 100mg. or more and with 'e' value of  $1 \times 10^k$ ,  $2 \times 10^k$  or  $5 \times 10^k$ , where k is a positive or negative whole number or equal to zero manufactured by the same manufacturer in accordance with the same principle, design and with the same materials with which, the said approved model has been manufactured.

[F.No. WM-21(107)2007]

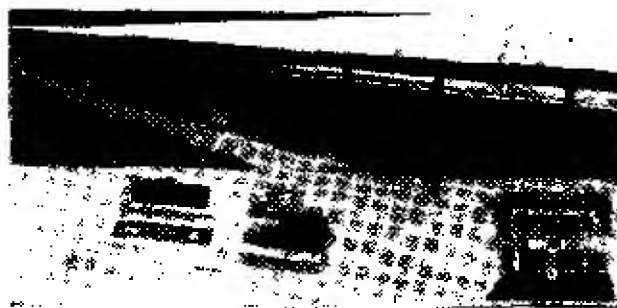
R. MATHURBOOTHAM, Director of Legal Metrology

नई दिल्ली, 7 मार्च, 2008

क्र. अ. 742.—केंद्रीय सरकार का, विहित प्राधिकारी द्वारा उसे प्रस्तुत रिपोर्ट पर विचार करने के पश्चात् यह समाधान हो गया है कि उक्त रिपोर्ट में वर्णित मॉडल (नीचे दी गई आकृति देखें) बाट और माप मानक अधिनियम, 1976 (1976 का 60) तथा बाट और माप मानक (मॉडलों का अनुमोदन) नियम, 1987 के उपबंधों के अनुरूप है और इस बात की संभावना है कि लगातार प्रयोग की अवधि में भी उक्त मॉडल यथार्थता बनाए रखेगा और विभिन्न परिस्थितियों में उपयुक्त सेवा प्रदान करता रहेगा ;

अतः, अब, केंद्रीय सरकार, उक्त अधिनियम की धारा 36 की उपधारा (7) और उपधारा (8) द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए मैसर्स लिब्रार सिस्टम्स, बी बी पाटिल कम्पाउंड, थाने-421 204 द्वारा विनिर्मित मध्यम यथार्थता (यथार्थता वर्ग-III) वाले "टी डब्ल्यू एस-30टी" शृंखला के अंकक सूचन सहित, अस्वचालित तोलन उपकरण (वेजिज प्रकार) के मॉडल का, जिसके ब्रांड का नाम "लिब्रार" है (जिसे इसमें इसके पश्चात् उक्त मॉडल कहा गया है) और जिसे अनुमोदन चिह्न आई एन डी/09/07/345 समनुदेशित किया गया है, अनुमोदन प्रमाण-पत्र जारी करती है।

उक्त मॉडल एक विकृत गैज प्रकार का भार सेल आधारित अस्वचालित (वेजिज प्रकार) तोलन उपकरण है। इसकी अधिकतम क्षमता 30 टन है और न्यूनतम क्षमता 100 कि.ग्रा. है। सत्यापन मापमान अंतराल (ई) 5 कि.ग्रा. है। इसमें एक आधेयतुलन युक्ति है जिसका शत प्रतिशत व्यवस्थिततात्मक धारित आधेयतुलन प्रभाव है। प्रकाश उत्सर्जक डायोड (एसईडी) प्रदर्श तोलन परिणाम उपदर्शित करता है। उपकरण 230 वोल्ट, 50 हर्ट्ज प्रत्यावर्ती धारा विद्युत प्रदाय पर कार्य करता है।



आकृति 2. मॉडल के सीलिंग करने के प्रावधान का योजनाबद्ध डायग्राम

बोटम प्लेट पर और इंडीकेटर के साइड प्लेट पर दो छेद करके सीलिंग की जाती है और इन छेदों से टिक्सट सीलिंग तार डाली जाती है और उसके बाद लीड द्वारा सील की जाती है। मॉडल के सीलिंग प्रावधान के टाइपिकल सिमेट्रिक डायग्राम ऊपर दिया गया है।

और केंद्रीय सरकार उक्त अधिनियम की धारा 36 की उपधारा (12) द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए यह घोषणा करती है कि उक्त मॉडल के अनुमोदन के इस प्रमाण-पत्र के अंतर्गत उसी विनिर्माता द्वारा उसी सिद्धांत, डिजाइन के अनुसार और उसी सामग्री से जिससे उक्त अनुमोदित मॉडल विनिर्माण किया गया है, विनिर्मित उसी शृंखला के वैसे ही मेक, यथार्थता और कार्यपालन के तोलन उपकरण भी होंगे जो 5 ग्रा. अथवा उससे अधिक के 'ई' मान के लिए 500 से 10,000 तक की रेंज में सत्यापन मापमान अंतराल (एन) सहित 5 टन से ऊपर और 100 टन तक की अधिकतम क्षमता वाले हैं और "ई" मान  $1 \times 10^4$ ,  $2 \times 10^4$  या  $5 \times 10^4$  के हैं, जहां पर 'के' घनात्मक या ऋणात्मक पूर्णांक या शून्य के समतुल्य हैं।

[फा. सं. डब्ल्यू एम-21(107)/2007]

आर. माधुरबुधम, निदेशक, विधिक माप विज्ञान

New Delhi, the 7th March, 2008

**S.O. 742.**—Whereas the Central Government, after considering the report submitted to it by the prescribed authority, is satisfied that the model described in the said report (see the figure given below) is in conformity with the provisions of the Standards of Weights and Measures Act, 1976 (60 of 1976) and the Standards of Weights and Measures (Approval of Models) Rules, 1987 and the said model is likely to maintain its accuracy over periods of sustained use and to render accurate service under varied conditions ;

Now, therefore, in exercise of the powers conferred by sub-sections (7) and (8) of Section 36 of the said Act, the Central Government hereby issues and publishes the certificate of approval of the model of non-automatic weighing instrument (Weighbridge type) with digital indication of medium accuracy (Accuracy class-III) of series "TWS-30T" and with brand name "LIBRAR" (hereinafter referred to as the said model), manufactured by M/s. Librar Systems, B.B. Patil Compound, Thane-421204 and which is assigned the approval mark IND/09/07/3445;

The said model is a strain gauge type load cell based non-automatic weighing instrument (Weighbridge type) with a maximum capacity of 30tonne and minimum capacity of 100kg. The verification scale interval (e) is 5kg. It has a tare device with a 100 per cent subtractive retained tare effect. The Light Emitting Diode (LED) display indicates the weighing results. The instrument operates on 230 Volts, 50 Hertz alternate current power supply.

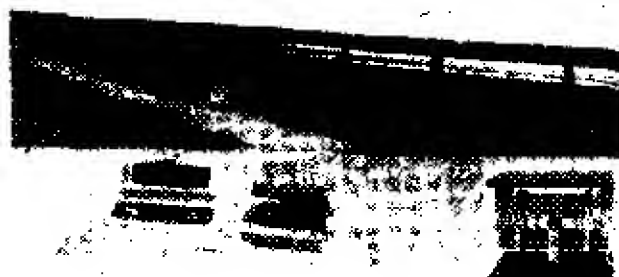


Figure 2. Sealing arrangement

The sealing is done by making two holes, one in bottom plate and other in the side plate of the indicator and a twisted sealing wire is passed from these holes and then sealed by the lead. A typical schematic diagram of sealing provision of the model is given above.

Further, in exercise of the powers conferred by sub-section (12) of Section 36 of the said Act, the Central Government hereby declares that this certificate of approval of the said model shall also cover the weighing instruments of similar make, accuracy and performance of same series with maximum capacity 5 tonne and upto 100 tonne with verification scale interval (n) in the range of 500 to 10,000 for 'e' value of 5g. or more and with 'e' value of  $1 \times 10^k$ ,  $2 \times 10^k$  or  $5 \times 10^k$ , where k is a positive or negative whole number or equal to zero manufactured by the same manufacturer in accordance with the same principle, design and with the same materials with which, the said approved model has been manufactured.

[F.No. WM-21(107)/2007]

R. MATHURBOOTHAM, Director of Legal Metrology

नई दिल्ली, 7 मार्च, 2008

का. आ. 743.—केन्द्रीय सरकार का, विहित प्राधिकारी द्वारा उसे प्रस्तुत रिपोर्ट पर विचार करने के पश्चात् यह समाधान हो गया है कि उक्त रिपोर्ट में वर्णित मॉडल (नीचे दी गई आकृति देखें) बाट और माप मानक अधिनियम, 1976 (1976 का 60) तथा बाट और माप मानक (मॉडलों का अनुमोदन) नियम, 1987 के उपबंधों के अनुरूप है और इस बात की संभावना है कि लगातार प्रयोग की अवधि में भी उक्त मॉडल यथार्थता बनाए रखेगा और विभिन्न परिस्थितियों में उपयुक्त सेवा प्रदान करता रहेगा ;

अतः, अब, केन्द्रीय सरकार, उक्त अधिनियम की धारा 36 की उपधारा (7) और उपधारा (8) द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए मैसर्स सेवेना पैकेजिंग सिस्टम प्रा. लि., X/519-बी, किजाक्कमबलम-683 562, इरनाकुलम जिला, केरल द्वारा विनिर्मित यथार्थता वर्ग X(1) वाले "जी डब्ल्यू" शृंखला के स्वचालित ग्रेविमैट्रिक फिलिंग उपकरण (वेग फिलर) के मॉडल का, जिसके ब्रांड का नाम "सिपैक" है (जिसे इसमें इसके पश्चात् उक्त मॉडल कहा गया है) और जिसे अनुमोदन चिह्न आई एन डी/09/07/237 समनुदेशित किया गया है, अनुमोदन प्रमाण-पत्र जारी करती है।



उक्त मॉडल एक विकृत गेज प्रकार का भार सेल आधारित स्वचालित ग्रेविमैट्रिक फिलिंग (वेग फिलर) उपकरण है। इसकी अधिकतम क्षमता 100 कि.ग्रा. है। इसका अधिकतम भारव दर 6 भारव प्रति मिनट है। मशीन का निर्माण फ्री फ्लोइंग उत्पादों जैसे पाउडर, भसाले, ग्रेन्यूल्स आदि के भारव के लिए किया गया है। प्रकाश उत्सर्जक डायोड (एलईडी) प्रदर्श तोलन परिणाम उपदर्शित करता है। उपकरण 230 वोल्ट, 50 हर्ट्ज प्रत्यावर्ती धारा विद्युत प्रदाय पर कार्य करता है।

स्वाम्पिंग प्लेट के मुद्रांकन के अतिरिक्त मशीन को कपटपूर्ण व्यवहारों के लिए खोलने से रोकने के लिए सीलबन्द भी किया जाएगा और मॉडल को बिक्री से पहले या बाद में उसकी सामग्री, यथार्थता, डिजाइन, सॉफ्ट डायग्राम, निष्पादन सिद्धांत आदि की शर्तों पर परिवर्तित नहीं किया जाएगा।

और केन्द्रीय सरकार उक्त अधिनियम की धारा 36 की उपधारा (12) द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए यह घोषणा करती है कि उक्त मॉडल के अनुमोदन के इस प्रमाण-पत्र के अंतर्गत उसी विनिर्माता द्वारा उसी सिद्धांत, डिजाइन के अनुसार और उसी सामग्री से जिससे उक्त अनुमोदित मॉडल विनिर्माण किया गया है, विनिर्मित उसी शृंखला के वैसे ही मेक, यथार्थता और कार्यपालन के तोलन उपकरण भी होंगे जो 10 कि.ग्रा. से 100 कि.ग्रा. तक की अधिकतम क्षमता वाले हैं।

[फा. सं. डब्ल्यू एम-21(108)/2007]

आर. माथुरबुधम, निदेशक, विधिक माप विज्ञान



New Delhi, the 7th March, 2008

**S.O. 743.**—Whereas the Central Government, after considering the report submitted to it by the proscribed authority, is satisfied that the model described in the said report (see the figure given below) is in conformity with the provisions of the Standards of Weights and Measures Act, 1976 (60 of 1976) and the Standards of Weights and Measures (Approval of Models) Rules, 1987 and the said model is likely to maintain its accuracy over periods of sustained use and to render accurate service under varied conditions ;

Now, therefore, in exercise of the powers conferred by sub-sections (7) and (8) of Section 36 of the said Act, the Central Government hereby issues and publishes the certificate of approval of the model of Automatic Gravimetric Filling Instrument (Bag filler) belonging to accuracy class X(1) of "GW" series with brand name "SEPACK" (herein referred to as the said model), manufactured by M/s. Sevena Packaging Systems Pvt. Ltd., X/519-B, Kizhakkambalam-683 562, Ernakulam district, Kerala and which is assigned the approval mark-IND/09/07/237;



The said model is a strain gauge type load cell based Automatic Gravimetric Filling Instrument (Bag filler). Its maximum capacity is 100kg. Its maximum fill rate is 6 fills per minute. The machine is designed for filling the non-free flowing products such as powder, spices, granules etc. The Light Emitting Diode (LED) display indicates the weighing results. The instrument operates on 230 Volts, 50 Hertz alternate current power supply.

In addition to sealing the stamping plate, sealing shall also be done to prevent the opening of the machine for fraudulent practices and model shall not be changed in terms of its material, accuracy, design, circuit diagram, working principle, etc.

Further, in exercise of the powers conferred by sub-section (12) of Section 36 of the said Act, the Central Government hereby declares that this certificate of approval of the said model shall also cover the weighing instruments of similar make, accuracy and performance of same series with capacity in the range of 10kg to 100kg manufactured by the same manufacturer in accordance with the same principle, design and with the same materials with which, the said approved model has been manufactured.

[F.No. WM-21(108)/2007]

R. MATHURBOOTHAM, Director of Legal Metrology

## भारतीय मानक ब्यूरो

नई दिल्ली, 19 मार्च, 2008

का. आ. 744.—भारतीय मानक ब्यूरो नियम, 1987 के नियम 7 के उपनियम (1) के खंड (ख) के अनुसरण में भारतीय मानक ब्यूरो एतद्वारा अधिसूचित करता है कि नीचे अनुसूची में दिये गये मानक (कों) में संशोधन किया गया/किये गये हैं:

## अनुसूची

| क्रम संशोधित भारतीय मानक (कों) की संख्या, संख्या वर्ष और शीर्षक | संशोधन की संख्या और तिथि | संशोधन लागू होने की तिथि |
|---|--------------------------|--------------------------|
| (1)   | (2)                      | (3)                      |
| 1 आई एस 13346: 2004 की संशोधन संख्या 2                          | 2 मार्च, 2008            | 1 मार्च, 2008            |

इस भारतीय संशोधन की प्रतियां भारतीय मानक ब्यूरो, मानक भवन, 9, बहादुर शाह जफर मार्ग, नई दिल्ली-110002, क्षेत्रीय कार्यालयों : नई दिल्ली, कोलकाता, चण्डीगढ़, चेन्नई, मुम्बई तथा शाखा कार्यालयों अहमदाबाद, बंगलौर, भोपाल, पुणे तथा तिरुवनन्तापुरम में बिक्री हेतु उपलब्ध हैं।

[संदर्भ : ईटी 22/टी-31]

पी.के. मुखर्जी, वैज्ञानिक एफ एवं प्रमुख (विद्युत तकनीकी)

## BUREAU OF INDIAN STANDARDS

New Delhi, the 19th March, 2008

S.O. 744.—In pursuance of clause (b) of sub-rule (1) of Rule 7 of the Bureau of Indian Standards Rules, 1987, the Bureau of Indian Standards hereby notifies that amendment to the Indian Standards, particulars of which are given in the Schedule hereto annexed has been issued :

## SCHEDULE

| Sl. No. | No. & Year of the Indian Standards   | No. & Year of the Amendment | Date from which the Amendment shall have effect |
|---------|--|-----------------------------|---|
| (1)     | (2)  | (3)                         | (4)   |
| 1       | IS 13346:2004, Electrical Apparatus for Explosive Gas Atmosphere—General Requirements (First Revision) | 2 March, 2008               | 1 March, 2008                                   |

Copy of this Amendment is available with the Bureau of Indian Standards, Manak Bhavan, 9, Bahadur Shah Zafar Marg, New Delhi-110 002 and Regional Offices : New Delhi, Kolkata, Chandigarh, Chennai, Mumbai and also Branch Offices: Ahmedabad, Bangalore, Bhopal, Bhubaneswar, Coimbatore, Guwahati, Hyderabad, Jaipur, Kanpur, Nagpur, Patna, Pune, Thiruvananthapuram.

[Ref: ET 22/T-31]

P.K. MUKHERJEE, Scientist 'F' &amp; Head (Electrotechnical)

नई दिल्ली, 19 मार्च, 2008

का. आ. 745.—भारतीय मानक ब्यूरो (प्रमाणन विनियम), 1988 के उप-नियम (5) के अनुसरण में भारतीय मानक ब्यूरो एतद्वारा अधिसूचित करता है कि जिन लाइसेंसों के विवरण नीचे अनुसूची में दिए गए हैं, वे स्विकृत कर दिए गए हैं :—

## अनुसूची

| क्रम संख्या | लाईसेंस संख्या | स्वीकृत करने की तिथि/वर्ष/माह | लाईसेंस धारी का नाम व पता  | भारतीय भाषक शीर्षक  | भा भा सं. | विभाग  | स्थिति स्टेटस |
|-------------|----------------|-------------------------------|--|---|-----------|--------|---------------|
| (1)         | (2)            | (3)                           | (4)  | (5)   | (6)       | (7)    | (8)           |
| 1.          | 6757895        | 25-10-2007                    | मेसर्स तोताराम सागरलाल एंड संस<br>4-1-968, आबिद रोड<br>हैदराबाद-500 001  | स्वर्ण एवं स्वर्ण मिश्रधातुएं,<br>आभूषण/शिल्पकारी शुद्धता<br>एवं मुहरांकन | 1417-99   | एमटीडी | परिचालित      |
| 2.          | 6757996        | 25-10-2007                    | मेसर्स विजय कुमार<br>शंकरलाल ज्वेलर्स<br>5-9-29/3 लिम्बर्टी<br>क्रास रोड बशीरबाग<br>हैदराबाद-500 029                                     | स्वर्ण एवं स्वर्ण मिश्रधातुएं,<br>आभूषण/शिल्पकारी शुद्धता<br>एवं मुहरांकन | 1417-99   | एमटीडी | परिचालित      |
| 3.          | 6754182        | 4-10-2007                     | मेसर्स महेश्वरी ज्वेलरी<br>मार्ट, डी.नं. 11-49-52<br>शिवालयम स्ट्रीट<br>विजयवाड़ा, कृष्णा जिला   | स्वर्ण एवं स्वर्ण मिश्रधातुएं,<br>आभूषण/शिल्पकारी शुद्धता<br>एवं मुहरांकन | 1417-99   | एमटीडी | परिचालित      |
| 4.          | 6756085        | 16-10-2007                    | मेसर्स श्री शारदा ज्वेलरी<br>मार्ट, 11-42-75<br>रामगोपाल स्ट्रीट<br>विजयवाड़ा-520 001<br>कृष्णा जिला                                     | स्वर्ण एवं स्वर्ण मिश्रधातुएं,<br>आभूषण/शिल्पकारी शुद्धता<br>एवं मुहरांकन | 1417-99   | एमटीडी | परिचालित      |
| 5.          | 6756186        | 16-10-2007                    | मेसर्स मंगलाई पेरल्स<br>5-9-46, बशीरबाग<br>हैदराबाद-500 063  | स्वर्ण एवं स्वर्ण मिश्रधातुएं,<br>आभूषण/शिल्पकारी शुद्धता<br>एवं मुहरांकन | 1417-99   | एमटीडी | परिचालित      |
| 6.          | 6756287        | 17-10-2007                    | मेसर्स श्री दुर्गा ज्वेलर्स<br>7-1-618/एनबी/बी21<br>से जी 23, आदित्या एनक्लेव<br>सारथी स्टूडियो के सामने<br>अमीरपेट,<br>हैदराबाद-500 016 | स्वर्ण एवं स्वर्ण मिश्रधातुएं,<br>आभूषण/शिल्पकारी शुद्धता<br>एवं मुहरांकन | 1417-99   | एमटीडी | परिचालित      |
| 7.          | 6757693        | 25-10-2007                    | मेसर्स नल्लमल्लुस<br>एनवीआर एक्सकलुसिव<br>23-1-342(1)<br>गांधी रोड<br>ऑगोल-523 001<br>प्रकाशम जिला                                       | स्वर्ण एवं स्वर्ण मिश्रधातुएं,<br>आभूषण/शिल्पकारी शुद्धता<br>एवं मुहरांकन | 1417-99   | एमटीडी | परिचालित      |
| 8.          | 6758190        | 30-10-2007                    | मेसर्स कुंदन ज्वेलर्स<br>लुमिनि ज्वेल माल<br>शाप नं. 1, रोड नं. 2<br>बंजारा हिल्स<br>हैदराबाद-500 034                                    | स्वर्ण एवं स्वर्ण मिश्रधातुएं,<br>आभूषण/शिल्पकारी शुद्धता<br>एवं मुहरांकन | 1417-99   | एमटीडी | परिचालित      |

| (1) | (2)     | (3)        | (4)   | (5)   | (6)               | (7)    | (8)      |
|-----|---------|------------|---|---|-------------------|--------|----------|
| 9.  | 6758291 | 30-10-2007 | मेसर्स शुभम ज्वेलर्स<br>एंड पेरल्स<br>12-13-1265<br>तारनाला<br>हैदराबाद-500 017   | चाँदी एवं चाँदी मिश्रधातुएं,<br>आभूषण/शिल्पकारी शुद्धता<br>एवं मुहरांकन विशिष्ट | 2112-03           | एमटीडी | परिचालित |
| 10. | 6758392 | 30-10-2007 | मेसर्स मां शांती ज्वेलर्स<br>शॉप नं. 10, अन्नपूर्णा<br>ब्लॉक-1, आदित्य एनक्लेव<br>अमीरपेट<br>हैदराबाद-500 016                   | स्वर्ण एवं स्वर्ण मिश्रधातुएं,<br>आभूषण/शिल्पकारी शुद्धता<br>एवं मुहरांकन       | 1417-99           | एमटीडी | परिचालित |
| 11. | 6758493 | 30-10-2007 | मेसर्स राजा ज्वेलर्स<br>16-3-491, मेन बाजार<br>अर्नोलापुर, इंदरपुर गुंदूर<br>आन्ध्र प्रदेश                                      | स्वर्ण एवं स्वर्ण मिश्रधातुएं,<br>आभूषण/शिल्पकारी शुद्धता<br>एवं मुहरांकन       | 1417-99           | एमटीडी | परिचालित |
| 12. | 6758594 | 30-10-2007 | मेसर्स खजाना ज्वेलरी प्रा.लि.<br>5-37-50, चौथा लाईन<br>ब्राह्मीपेट, गुंदूर  | स्वर्ण एवं स्वर्ण मिश्रधातुएं,<br>आभूषण/शिल्पकारी शुद्धता<br>एवं मुहरांकन       | 1417-99           | एमटीडी | परिचालित |
| 13. | 6759091 | 25-10-2007 | मेसर्स त्रि चक्रा सिमेंट<br>लीमिटेड, 6-3-668/10/66<br>दुरगानगर कल्लिनी<br>हैदराबाद  | पोर्टलैंड पोजालाना  | 1489:<br>भाग 1:91 | सीईडी  | परिचालित |
| 14. | 6758901 | 30-10-2007 | मेसर्स ग्लेड स्टील प्रा.लि.<br>सर्वे नं. 196, पीपी रोड<br>ऐलिकट्टा विलेज शादनगर<br>मंडल, महबूबनगर जिला<br>आन्ध्र प्रदेश         | कंक्रीट प्रबलन के लिए<br>उच्च सामर्थ्य विकसित<br>इस्पात धड़ और तार              | 1786:85           | सीईडी  | परिचालित |
| 15. | 6755588 | 15-10-2007 | मेसर्स कामाक्षी स्टीलस प्रा.लि.<br>आर एस नं. 93/4<br>कडिमि पोतवरम आईडीए<br>जीकेएम कॉडपल्ली<br>विजयवाड़ा कृष्णा जिला             | कंक्रीट प्रबलन के लिए<br>उच्च सामर्थ्य विकसित<br>इस्पात धड़ और तार              | 1786:85           | सीईडी  | परिचालित |
| 16. | 6755689 | 15-10-2007 | मेसर्स शालीमार अलाईस<br>प्रा.लि., सर्वे नं. 157ई 157च,<br>आईडीए सीतापुर विलेज,<br>कोतूर मंडल महबूबनगर<br>जिला-509 325           | कंक्रीट प्रबलन के लिए<br>उच्च सामर्थ्य विकसित<br>इस्पात धड़ और तार              | 1786:85           | सीईडी  | परिचालित |
| 17. | 6752986 | 1-10-2007  | मेसर्स संजय अलाईस<br>प्रा.लि., नक्कापल्लि, मोरम<br>पोस्ट, कुप्पम रोड<br>पालमनर एन एच-4<br>चित्तूर जिला-517 432<br>आन्ध्र प्रदेश | कंक्रीट प्रबलन के लिए<br>उच्च सामर्थ्य विकसित<br>इस्पात धड़ और तार              | 1786:85           | सीईडी  | परिचालित |

| (1) | (2)     | (3)        | (4)   | (5)  | (6)              | (7)    | (8)      |
|-----|---------|------------|---|--|------------------|--------|----------|
| 18. | 6757794 | 25-10-2007 | मेसर्स मल्लमल्लीस<br>एनवीआर एक्सक्लूसिव<br>23-1-342(1)<br>गांधी रोड, ऑगोल-523001<br>प्रकाशम जिला  | चांदी एवं चांदी मिश्रधातुएं,<br>आभूषण/शिल्पकारी शुद्धता<br>एवं मुहरंकन | 2112-2003        | एमटीडी | परिचालित |
| 19. | 6756489 | 17-10-2007 | मेसर्स श्री दुर्गा ज्वेलर्स<br>7-1-618/एनजी/जी21<br>से जी23, आदित्य एनक्लेव<br>सारधी स्टूडियो के सामने<br>अमीरपेट, हैदराबाद-500016                          | चांदी एवं चांदी मिश्रधातुएं,<br>आभूषण/शिल्पकारी शुद्धता<br>एवं मुहरंकन | 2112-2003        | एफएडी  | परिचालित |
| 20. | 6753887 | 8-10-2007  | मेसर्स चट्टर टेक इंजीनियर्स<br>सर्वे नं. 72, अनाराम<br>जीनाराम मेदक<br>आंध्र प्रदेश   | सोडियम हाइपोक्लोराइट<br>की विशिष्टि                                    | 11673-92         | एफएडी  | परिचालित |
| 21. | 6753786 | 8-10-2007  | मेसर्स श्री शक्ति आल्टरनेटिव<br>एनर्जी लिमिटेड<br>एफ-8, एस.आई.ई.<br>बालानगर<br>हैदराबाद-500 037   | सौर सपाट पट्टिका<br>संग्राहक   | 12933 माम<br>104 | एमएडी  | परिचालित |
| 22. | 6754889 | 12-10-2007 | मेसर्स तमई आक्वा इंस्ट्रुमेंट्स<br>डोर नं. 1144/4<br>अम्मयारीपल्ली<br>मार्कापूर-523 316<br>मार्कापूर मंडल<br>प्रकाशम जिला आंध्र प्रदेश                      | पेकेजबंद पेयजल<br>(पेकेजबंद प्राकृतिक<br>मिनरल जल के अलावा)            | 14543:04         | एफएडी  | परिचालित |
| 23. | 6757289 | 12-10-2007 | मेसर्स साई राम फूड्स<br>एंड बीवरेजस<br>4-4-178, चौधरी काली<br>नियर पुलिस स्टेशन<br>विकाराबाद-501 101<br>रंगारेड्डी जिला                                     | पेकेजबंद पेयजल<br>(पेकेजबंद प्राकृतिक<br>मिनरल जल के अलावा)            | 14543:04         | एफएडी  | परिचालित |
| 24. | 6755790 | 16-10-2007 | मेसर्स पीएमपी एंटरप्राइजेज<br>सर्वे नं. 438, वेलेमेरुला<br>विलेज रामाधनपुरम मंडल<br>मेडक जिला   | पेकेजबंद पेयजल<br>(पेकेजबंद प्राकृतिक<br>मिनरल जल के अलावा)            | 14543:04         | एफएडी  | परिचालित |
| 25. | 6758089 | 30-10-2007 | मेसर्स श्री साई कृष्णा<br>इंस्ट्रुमेंट्स, सर्वे सं. 273/1<br>के. जी. रोड, ब्रह्मगारी<br>कालोनी, त्रिपुरातकम पोस्ट<br>एवं मंडल, प्रकाशम जिला<br>आंध्र प्रदेश | पेकेजबंद पेयजल<br>(पेकेजबंद प्राकृतिक<br>मिनरल जल के अलावा)            | 14543:04         | एफएडी  | परिचालित |

[सं. सी एम डी/13:11]

ए. के. तलवार, डप महानिदेशक (मुहर)

New Delhi, the 19th March, 2008

S.O. 745.—In pursuance of sub-regulation (5) of the regulation 4 of the Bureau of Indian Standards (Certification) Regulations 1988, of the Bureau of Indian Standards, hereby notifies the grant of licences particulars of which are given in the following schedule:

## SCHEDULE

| S.No. | CMLNo.  | License Name and Address   | GOL Date   | IS No. & Product  | Validity   | Division | Status    | Remarks |
|-------|---------|--|------------|---|------------|----------|-----------|---------|
| 1     | 2       | 3  | 4          | 5   | 6          | 7        | 8         | 9       |
| 1.    | 6757895 | Totaram Sagarlal & Sons<br>4-1-968, Abid Road<br>Hyderabad-500001<br>Andhra Pradesh  | 25-10-2007 | IS 1417:1999<br>Gold and gold alloys,<br>jewellery/artefacts-<br>fineness and marking | 25-10-2008 | MTD      | Operative |         |
| 2.    | 6757996 | Vijay Kumar Shankerlal<br>Jewellers 5-9-29/3<br>Liberty Cross Road<br>Basheerbagh,<br>Hyderabad-500029<br>Andhra Pradesh             | 25-10-2007 | IS 1417:1999<br>Gold and gold alloys,<br>jewellery/artefacts-<br>fineness and marking | 25-10-2008 | MTD      | Operative |         |
| 3.    | 6754182 | Maheswari Jewellery<br>Mart D. No. 11-49-52<br>Sivalayam Street Krishna<br>Vijayawada-520001<br>Andhra Pradesh                       | 04-10-2007 | IS 1417:1999<br>Gold and gold alloys,<br>jewellery/artefacts-<br>fineness and marking | 09-10-2010 | MTD      | Operative |         |
| 4.    | 6756085 | Sree Sarada Jewellery<br>Mart 11-42-75,<br>Ramgopal Street Krishna<br>Vijayawada-520001<br>Andhra Pradesh                            | 16-10-2007 | IS 1417:1999<br>Gold and gold alloys,<br>jewellery/artefacts-<br>fineness and marking | 15-10-2008 | MTD      | Operative |         |
| 5.    | 6756186 | Mangatrai Pearls 5-9-46,<br>Basheerbagh,<br>Hyderabad-500063<br>Andhra Pradesh   | 16-10-2007 | IS 1417:1999<br>Gold and gold alloys,<br>jewellery/artefacts-<br>fineness and marking | 15-10-2008 | MTD      | Operative |         |
| 6.    | 6756287 | Sri Durga Jewellers<br>7-1-618/NG/G21 to G23<br>Aditya Enclave opp:<br>Sarathi Studio Ameerpet<br>Hyderabad-500016<br>Andhra Pradesh | 17-10-2007 | IS 1417:1999<br>Gold and gold alloys,<br>jewellery/artefacts-<br>fineness and marking | 16-10-2010 | MTD      | Operative |         |
| 7.    | 6757693 | Nallamalli's NVR<br>Exclusive 23-1-342(1)<br>Gandhi Road Prakasam<br>Ongole-523001<br>Andhra Pradesh                                 | 25-10-2007 | IS 1417:1999<br>Gold and gold alloys,<br>jewellery/artefacts-<br>fineness and marking | 25-10-2008 | MTD      | Operative |         |
| 8.    | 6758190 | Kundan Jewellers<br>Lumbini Jewel Mall Shop<br>No.1 Road No. 2 Banjara<br>Hills Hyderabad-500034<br>Andhra Pradesh                   | 30-10-2007 | IS 1417:1999<br>Gold and gold alloys,<br>jewellery/artefacts-<br>fineness and marking | 29-10-2010 | MTD      | Operative |         |
| 9.    | 6758291 | Shubham Jewellers and<br>Pearls 12-13-1265 Tamaka<br>Hyderabad-500017<br>Andhra Pradesh  | 30-10-2007 | IS 1417:1999<br>Gold and gold alloys,<br>jewellery/artefacts-<br>fineness and marking | 29-10-2010 | MTD      | Operative |         |

| 1   | 2       | 3   | 4          | 5  | 6          | 7   | 8         |
|-----|---------|---|------------|--|------------|-----|-----------|
| 10. | 6758392 | Man Shanti Jewellers<br>Shop No.10, Annapurna<br>Block, 1, Aditya Enclave,<br>Ameerpet,<br>Hyderabad-500016<br>Andhra Pradesh                     | 30-10-2007 | IS 1417:1999<br><br>Gold and gold alloys,<br>jewellery/artefacts-<br>fineness and marking              | 29-10-2010 | MTD | Operative |
| 11. | 6758493 | Raja Jewellers, 16-3-491,<br>Main Bazar Anantapur,<br>Hindupur-515201,<br>Andhra Pradesh  | 30-10-2007 | IS 1417:1999<br><br>Gold and gold alloys,<br>jewellery/artefacts-<br>fineness and marking              | 29-10-2010 | MTD | Operative |
| 12. | 6758594 | Khazana Jewellery Pvt.<br>Ltd., 5-37-50, 4th Line<br>Brodipet Guntur,<br>Andhra Pradesh   | 30-10-2007 | IS 1417:1999<br><br>Gold and gold alloys,<br>jewellery/artefacts-<br>fineness and marking              | 29-10-2010 | MTD | Operative |
| 13. | 6759091 | Sri Chakra Cements<br>Limited, 6-3-668/16/66<br>Durganagar Colony,<br>Punjabgutta,<br>Hyderabad-500082<br>Andhra Pradesh                          | 25-10-2007 | IS 1489:Part 1:1991<br>Portland pozzolana<br>cement, Part 1 flyash<br>based                            | 31-10-2008 | CED | Operative |
| 14. | 6758901 | M/s. Glade Steel Pvt.Ltd.,<br>Survey No.196, Pargi<br>Road Ellikatta Village,<br>Shadnagar (M)<br>Mahbubnagar<br>Mahaboobnagar,<br>Andhra Pradesh | 30-10-2007 | IS 1786:1985<br><br>High strength<br>deformed steel<br>bars and wires<br>for concrete<br>reinforcement | 30-10-2008 | CED | Operative |
| 15. | 6755588 | M/s. Kamakshi Steels (P)<br>Ltd., R.S. No.93/4, Kadimi<br>Pothavaram IDA, GKM<br>Kondapalli Krishna<br>Vijayawada<br>Andhra Pradesh               | 15-10-2007 | IS 1786:1985<br><br>High strength<br>deformed steel<br>bars and wires<br>for concrete<br>reinforcement | 14-10-2008 | CED | Operative |
| 16. | 6755689 | M/s. Shalimar Alloys Pvt.<br>Ltd. Survey No.157E,<br>157U IDA, Tighapur (V)<br>Kothur (M) Mahbubnagar<br>Mahaboobnagar-509325<br>Andhra Pradesh   | 15-10-2007 | IS 1786:1985<br><br>High strength<br>deformed steel<br>bars and wires<br>for concrete<br>reinforcement | 14-10-2008 | CED | Operative |
| 17. | 6752986 | M/s. Sanjay Alloys<br>Private Ltd. Nakkapalli<br>Moram Post Kuppam<br>Road Palaner,<br>Chittoor-517432<br>Andhra Pradesh                          | 01-10-2007 | IS 1786:1985<br><br>High strength<br>deformed steel<br>bars and wires<br>for concrete<br>reinforcement | 03-10-2008 | CED | Operative |
| 18. | 6757794 | Nallamilli's NVR<br>Exclusive 23-1-342(1)<br>Gandhi Road Prakasam<br>Ongole-523001<br>Andhra Pradesh  | 25-10-2007 | IS 2112:2003<br><br>Silver and silver<br>alloys, jewellery/<br>artefacts-fineness<br>and marking       | 25-10-2008 | MTD | Operative |
| 19. | 6756489 | Sri Durga Jewellers<br>7-1-618/NG/G21 to G23<br>Aditya Enclave Opp:<br>Sarathi Studio Ameerpet<br>Hyderabad-500016,<br>Andhra Pradesh             | 17-10-2007 | IS 2112:2003<br><br>Silver and silver<br>alloys, jewellery/<br>artefacts-fineness<br>and marking       | 16-10-2010 | MTD | Operative |

| 1   | 2       | 3  | 4          | 5   | 6          | 7   | 8         |
|-----|---------|--|------------|---|------------|-----|-----------|
| 20. | 6753887 | Water Tech Engineers,<br>Sy.No.72, Annaram (V)<br>Jinnaram (M)<br>Medak Andhra Pradesh   | 08-10-2007 | IS 11673:1992<br>Sodium hypochlorite<br>solution  | 08-10-2008 | CHD | Operative |
| 21. | 6753786 | Shri Shakti Alternative<br>Energy Limited F-8, SIE,<br>Hyderabad Balanagar-<br>500037, Andhra Pradesh  | 08-10-2007 | IS 12933:Part1:2000<br>Solar flat plate<br>collector-Part I<br>requirements                   | 08-10-2008 | MED | Operative |
| 22. | 6754889 | Thanmai Aqua Industries<br>D.No.1144/4 Annamavari<br>Palli Markapur-523316<br>Markapur Mandal<br>Prakasam District<br>Prakasam Markapur<br>Andhra Pradesh                        | 12-10-2007 | IS 14543:2004<br>Packaged drinking<br>water (other than<br>packaged natural<br>mineral water) | 11-10-2008 | FAD | Operative |
| 23. | 6757289 | Sai Ram Foods &<br>Beverage 4-4-178,<br>Chowdary Colony Near<br>Police Station, Vikarabad,<br>Rangareddi-501101,<br>Andhra Pradesh   | 12-10-2007 | IS 14543:2004<br>Packaged drinking<br>water (other than<br>packaged natural<br>mineral water) | 22-10-2008 | FAD | Operative |
| 24. | 6755790 | P M P Enterprises Sy.<br>No.438, Velnella Villag<br>Ramachandrapuram<br>Mandal Medak,<br>Andhra Pradesh  | 16-10-2007 | IS 14543:2004<br>Packaged drinking<br>water (other than<br>packaged natural<br>mineral water) | 15-10-2008 | FAD | Operative |
| 25. | 6758089 | Sri Sai Krishna Industries,<br>Sy. No.273/1, K.G.Road<br>Brahmanigari Colony<br>Tripuranthakam<br>PO & Mandal Prakasam<br>District Prakasam<br>Tripuranthakam,<br>Andhra Pradesh | 30-10-2007 | IS 14543:2004<br>Packaged drinking<br>water (other than<br>packaged natural<br>mineral water) | 29-10-2008 | FAD | Operative |

[No. CMD/13:11]

A. K. TALWAR, Dy. Director General (Marks)

नई दिल्ली, 20 मार्च, 2008

क्र.आ. 746.—भारतीय मानक ब्यूरो (प्रमाणन) विनियम, 1988 के नियम (4) के उप नियम (5) के अनुसरण में भारतीय मानक ब्यूरो एतद्वारा अधिसूचित करता है कि जिन लाइसेंसों के विवरण नीचे अनुसूची में दिए गए हैं, वे स्वीकृत कर दिये गए हैं:-

## अनुसूची

| क्रम.<br>सं. | लाइसेंस<br>सं. | मालू तिथि  | लाइसेंसधारी का नाम व पता   | भारतीय मानक का शीर्षक व<br>संबंधित भारतीय मानक |
|--------------|----------------|------------|--|--|
| 1            | 2              | 3          | 4  | 5  |
|              | जनवरी<br>2008  |            |  |  |
| 1            | 8900985        | 15-01-2008 | मैसर्स किशन एण्टरप्राइजेज,<br>1, प्रेम नगर तिलारदी चुंगी<br>नाके के सामने, उदयपुर-313001<br>(राजस्थान) | 458:2003<br>ग्री-कास्ट कॉन्क्रीट पाईप्स        |



| 1  | 2       | 3          | 4   | 5                                      |
|----|---------|------------|---|--|
| 2  | 8887013 | 20-12-2007 | मैसर्स शिव ज्वैलर्स पुराने नगर पालिका<br>ऑफिस के पास, हनुमानगढ़-335512<br>(राजस्थान)  | 1417:1999<br>स्वर्णभूषणों की हालमाकिंग |
| 3  | 8887417 | 31-12-2007 | मैसर्स महालक्ष्मी ज्वैलर्स नानी बाई स्कूल<br>के सामने, पंखा रोड, धूल-331001<br>(राजस्थान)   | 1417:1999<br>स्वर्णभूषणों की हालमाकिंग |
| 4  | 8887619 | 28-12-2007 | मैसर्स पवन कुमार मंगलाल (सरफ)<br>जामा मस्जिद, पाला रोड, बोंसवाड़ा-<br>327001 (राजस्थान)   | 1417:1999<br>स्वर्णभूषणों की हालमाकिंग |
| 5  | 8888116 | 03-01-2008 | मैसर्स मुरलीधर ज्वैलर्स 16-ई ब्लॉक,<br>शोक्ला माता पार्क के पास गंगानगर<br>(राजस्थान)   | 1417:1999<br>स्वर्णभूषणों की हालमाकिंग |
| 6  | 8888722 | 07-01-2008 | मैसर्स डी.के. ज्वैलर्स, बी-8.-9, अतिहन्त<br>प्लाजा, मालवीय नगर, जयपुर (राजस्थान)  | 1417:1999<br>स्वर्णभूषणों की हालमाकिंग |
| 7  | 8889118 | 08-01-2008 | मैसर्स अमरदीप ज्वैलर्स, लहसील रोड,<br>जैन मन्दिर के सामने, खेरवाड़ा, जिला<br>-उदयपुर (राजस्थान)   | 1417:1999<br>स्वर्णभूषणों की हालमाकिंग |
| 8  | 8889724 | 01-01-2008 | मैसर्स इरोज स्टोन्स 750, इरोज टॉवर<br>आचार्यों का रास्ता, किसानपोल बाजार<br>जयपुर-302003 (राजस्थान)   | 1417:1999<br>स्वर्णभूषणों की हालमाकिंग |
| 9  | 8889825 | 11-01-2008 | मैसर्स हैप्पी ज्वैलर्स मेन बाजार, पुराना<br>बाजार हनुमानगढ़ -335513<br>(राजस्थान)   | 1417:1999<br>स्वर्णभूषणों की हालमाकिंग |
| 10 | 8900177 | 11-01-2008 | मैसर्स अर्लंकर ज्वैलर्स मेन मार्केट,<br>हिसारिया मार्केट के पास हनुमानगढ़-<br>335513 (राजस्थान)   | 1417:1999<br>स्वर्णभूषणों की हालमाकिंग |
| 11 | 8900278 | 11-01-2008 | मैसर्स अर्लंकर ज्वैलर्स मेन मार्केट,<br>हिसारिया मार्केट के पास, हनुमानगढ़<br>335513 (राजस्थान)   | 2112:2003<br>रत्न आभूषणों की हालमाकिंग |
| 12 | 8886819 | 27-12-2007 | मैसर्स राजस्थान केबल्स एण्ड कण्डक्टर्स<br>प्रा. लि., प्लॉट नं. ए-190 (सी), रोड नं. पीवीसी इन्सुलेटेड (एचडी)<br>1-डी, विश्वकर्मा औद्योगिक क्षेत्र, जयपुर-केबल्स<br>302013 (राजस्थान) | 1554 (भाग 1):1988                      |
| 13 | 8886920 | 27-12-2007 | मैसर्स राजस्थान केबल्स एण्ड कण्डक्टर्स<br>प्रा. लि., प्लॉट नं. ए-190 (सी), रोड नं. इन्सुलेटेड पीवीसी केबल्स<br>1-डी, विश्वकर्मा औद्योगिक क्षेत्र, जयपुर-<br>302013 (राजस्थान)       | 7098 (भाग 1):1988 एक्सप्लोर्ड          |
| 14 | 8886617 | 27-12-2007 | मैसर्स मरोसा सोमेण्ट प्रा. लि., एसपी-1,<br>रीको औद्योगिक क्षेत्र, नीम का घाना,<br>सीकर-332713 (राजस्थान)  | 8112:1989<br>43 ग्रेड ओपीसी            |

| 1  | 2       | 3          | 4   | 5   |
|----|---------|------------|---|---|
| 15 | 8888621 | 07-01-2008 | मैसर्स श्री वर्षमान पॉवर प्रा. लि., जी-849, रोड नं. 14, विश्वकर्मा औद्योगिक क्षेत्र, जयपुर-302013 (राजस्थान)                    | 14255:1995<br>एरियल बन्ड केबल्स                                       |
| 16 | 8886213 | 20-12-2007 | मैसर्स पूरमा प्लास्ट प्रा. लि., बी-494, भिवाडी औद्योगिक क्षेत्र, फेज-1, भिवाडी-301019 जिला अलवर (राजस्थान)                      | 14333:1996<br>एचडीपीई पाईप्स फॉर सिवरेज                               |
| 17 | 8888217 | 04-01-2008 | मैसर्स निम्बस इण्डस्ट्रीज, ई-35, बगरू औद्योगिक क्षेत्र (विस्तार) बगरू, जयपुर-303007 (राजस्थान)                                  | 14333:1996<br>एचडीपीई पाईप्स फॉर सिवरेज                               |
| 18 | 8908294 | 25-01-2008 | मैसर्स राजस्थान ट्रांसमीशन वायर्स प्रा. लि. ए-190, रोड नं. 1-डी, विश्वकर्मा औद्योगिक क्षेत्र, जयपुर-302013 (राजस्थान)           | 398 (भाग 4):1994<br>एएसी  |
| 19 | 8907494 | 11-01-2008 | मैसर्स गौरव ज्वैलर्स एण्ड ज्वैलर्स 68, पेच एरिया, भीलवाडा-311001 (राजस्थान)   | 1417:1999<br>स्वर्णभूषणों की हालमाकिंग                                |
| 20 | 8907595 | 24-01-2008 | मैसर्स गौरव ज्वैलर्स एण्ड ज्वैलर्स 68, पेच एरिया भीलवाडा-311001 (राजस्थान)  | 2112:2003<br>रजत आभूषणों की हालमाकिंग                                 |
| 21 | 8907696 | 24-01-2008 | मैसर्स निखार ज्वैलर्स 40, राणा सांगा मार्केट, चित्तौड़गढ़-312001 (राजस्थान)   | 1417:1999<br>स्वर्णभूषणों हालमाकिंग                                   |
| 22 | 8906189 | 21-01-2008 | मैसर्स तिरुपति प्लास्टोमैटिक्स प्रा. लि. (यूनिट नं. 2) एफ-543, रोड नं. 6डी विश्वकर्मा औद्योगिक क्षेत्र, जयपुर-302013 (राजस्थान) | 14930 (भाग 2):2001<br>कन्ट्र्यूट सिस्टम्स फॉर इलेक्ट्रिकल इन्स्टालेशन |

[सं. सी एम डी/13:11]

ए. के. तलवार, उपमहानिदेशक (मुहर)

New Delhi, the 20th March, 2008

S.O. 746.—In pursuance of sub-regulation (5) of regulation 4 of the Bureau of Indian Standards (Certification) Regulation, 1988, the Bureau of Indian Standards, hereby notifies the grant of licence particulars of which are given in the following schedules.

## SCHEDULE

| Sl. No.  | Licence No. (CM/L) | Operative Date | Name and Address of the Licensee   | Article/Process Covered by the licencess and the relevant IS:Designation |
|----------|--------------------|----------------|--|--|
| (1)      | (2)                | (3)            | (4)  | (5)  |
| JAN 2008 |                    |                |  |  |
| 01       | 8900985            | 15-01-2008     | M/s Kishan Enterprises, 1, Prem Nagar, TITARADI Opp. Chungi Naka, Udaipur—313001 (Rajasthan) | 458:2003<br>Precast Concrete Pipes                                       |

| (1) | (2)     | (3)        | (4)  | (5)  |
|-----|---------|------------|--|--|
| 02  | 8887013 | 20-12-2007 | M/s Shiv Jewellers, Near Old Nagar Palika Office, Hanumangarh-335512 (Rajasthan)   | 1417:1999<br>Hallmarking of Gold Jewellery       |
| 03  | 8887417 | 31-12-2007 | M/s. Mahalaxmi Jewellers, Nani Bai School Ke Samne, Pankha Road, Churu—331001 (Rajasthan)  | 1417:1999<br>Hallmarking of Gold Jewellery       |
| 04  | 8887619 | 28-12-2007 | M/s. Pawan Kumar Maganlal (Saraf) Jama Masjid, Pala Road, Banswara—327001 (Rajasthan)  | 1417:1999<br>Hallmarking of Gold Jewellery       |
| 05  | 8888116 | 03-01-2008 | M/s. Murlidhar Jewellers, 16-E Block, Near Sheetla Mata Park Ganganagar (Rajasthan)  | 1417:1999<br>Hallmarking of Gold Jewellery       |
| 06  | 8888722 | 07-01-2008 | M/s. D.K. Jewellers, B-8-9, Arihant Plaza, Malviya Nagar, Jaipur (Rajasthan)   | 1417:1999<br>Hallmarking of Gold Jewellery       |
| 07  | 8889118 | 08-01-2008 | M/s. Amardeep Jewellers Tehsil Road, Opp. Jain Temple Kherwara, Udaipur (Rajasthan)  | 1417:1999<br>Hallmarking of Gold Jewellery       |
| 08  | 8889724 | 10-01-2008 | M/s. Eros Stones, 750, Eros Tower, Achariyon Ka Rasta, Kishanpole Bazar, Jaipur—302003 (Rajasthan)   | 1417:1999<br>Hallmarking of Gold Jewellery       |
| 09  | 8889825 | 11-01-2008 | M/s. Happy Jewellers, Main Bazar, Purana Bazar, Hanumangarh—335513 (Rajasthan)   | 1417:1999<br>Hallmarking of Gold Jewellery       |
| 10  | 8900177 | 11-01-2008 | M/s. Alankar Jewellers, Main Market, Near Hissaria Market, Hanumangarh—335513 (Rajasthan)  | 1417:1999<br>Hallmarking of Gold Jewellery       |
| 11  | 8900278 | 11-01-2008 | M/s. Alankar Jewellers, Main Market, Near Hissaria Market, Hanumangarh—335513 (Rajasthan)  | 2112:2003<br>Hallmarking of Silver Jewellery     |
| 12  | 8886819 | 27-12-2007 | M/s. Rajasthan Cables & Conductors Private Limited, Plot No. A-190(C), Road No. 10-D, Vishwa Karma Industrial Area Jaipur-302013 (Rajasthan) | 1554 (Part 1):1988<br>PVC Insulated (HD) Cables  |
| 13  | 8886920 | 27-12-2007 | M/s. Rajasthan Cables & Conductors Private Limited, Plot No. A-190(C), Road No. 1-D, Vishwa Karma Industrial Area Jaipur-302013 (Rajasthan)  | 7098 (Part 1): 1988<br>XLPE Insulated PVC Cables |
| 14  | 8886617 | 27-12-2007 | M/s. Bharosa Cement Private Ltd. SP-1, RIICO Industrial Area, Neem Ka Thana, Sikar-332713 (Rajasthan)  | 8112:1989<br>43 Grade OPC                        |
| 15  | 8888621 | 07-01-2008 | M/s. Shree Vardhman Power Pvt. Ltd., G-849, Road No. 14, Vishwakarma Industrial Area Jaipur-302013 (Rajasthan)                               | 14255:1995<br>Aerial Bunched Cables              |

| (1) | (2)      | (3)        | (4)   | (5)  |
|-----|----------|------------|---|--|
| 16  | 8886213  | 20-12-2007 | M/s. Purma Plast Private, Ltd.<br>B-494, Bhiwadi Industrial Area<br>Phase-I, Bhiwadi, Dist.<br>Alwar-301019 (Rajasthan)                 | 14333:1996<br>HDPE Pipes for Sewerage                                  |
| 17  | 8888217  | 04-01-2008 | M/s. Nimbus Industries, E-35,<br>Bagru Industrial Area (Extn.),<br>Bagru, Jaipur-303007 (Rajasthan)                                     | 14333:1996<br>HDPE Pipes for Sewerage                                  |
| 18  | 8908294  | 25-01-2008 | M/s. Rajasthan Transmission Wires<br>Private Limited, A-190, Road No.1-D,<br>Vishwa Karma Industrial Area,<br>Jaipur-302013 (Rajasthan) | 398 (Part 4): 1994<br>AAAC   |
| 19  | 8907494  | 11-01-2008 | M/s. Gourav Jewellers<br>68, Pech Area, Bhilwara-311001<br>(Rajasthan)  | 1417:1999<br>Hallmarking of Gold<br>Jewellery                          |
| 20  | 8907595  | 24-01-2008 | M/s. Gourav Jewellers, 68 Pech Area<br>Bhilwara—311001 (Rajasthan)  | 2112:2003<br>Hallmarking of Silver<br>Jewellery                        |
| 21  | 8907696  | 24-01-2008 | M/s. Nikhar Jewellers, 40, Rana<br>Sanga Market Chittorgarh -312001<br>(Rajasthan)  | 1417:1999<br>Hallmarking of Gold<br>Jewellery                          |
| 22  | 89061189 | 21-01-2008 | M/s. Tirupati Plastomatics Pvt. Ltd.,<br>(Unit No. 2)<br>F-543, Road No. 6D<br>V. K. I. Area, Jaipur-302013<br>(Rajasthan)              | 14930 (Part 2):2001<br>Conduit Systems for<br>Electrical Installation. |

[No. CMD/13:11]

A. K. TALWAR, Dy. Director General (Marks)

नई दिल्ली, 20 मार्च, 2008

का.आ. 747.—भारतीय मानक ब्यूरो (प्रमाणन) विनियम, 1988 के विनियम 4 के उप-विनियम (5) के अनुसरण में भारतीय मानक ब्यूरो एतद्वारा अधिसूचित करता है कि जिनके विवरण नीचे अनुसूची में दिए गए हैं को लाइसेंस प्रदान किए गए हैं:

## अनुसूची

| क्रम | लाइसेंस सं. | वैधता तिथि संख्या | पार्टी का नाम एवं पता (कारखाना)   | उत्पाद  | आई एस सं./भाग/खण्ड/ वर्ष |
|------|-------------|-------------------|---|---|--------------------------|
| 1    | 2           | 3                 | 4   | 5   | 6                        |
| 1.   | 7810070     | 31-12-2008        | साह पेट्रोलियम लिमिटेड, 406/7,<br>एम्बेसी सेंटर, नरिम्न पॉइंट,<br>मुंबई-400021                                  | निरोधकारी<br>विद्युत्तरोधन<br>खनिज तेल  | 12463:1988               |
| 2.   | 7812882     | 10-01-2009        | आयुष होम अप्लाइंसेस, 01 वाडिया<br>इस्टेट, बिल्डिंग सं. 16 के सामने,<br>बैल बाजार, ओल्ड कुर्ता,<br>कुर्ता-400070 | 250 वोल्ट और<br>16 एम्पीयर तक<br>की रेटिफ करंट के<br>लिए प्लग और सॉकेट<br>निर्माण | 1293:2005                |
| 3.   | 7810272     | 01-01-2009        | साह पेट्रोलियम लिमिटेड, प्लॉट सं 5<br>से 10, दिवान और साह इंडस्ट्रियल<br>इस्टेट, विलेज वालीध, थाने वसई पूर्व    | निरोधकारी विद्युत्तरोधन<br>खनिज तेल   | 12463:1988               |

| 1  | 2       | 3          | 4  | 5   | 6 |
|----|---------|------------|--|---|---|
| 4. | 7806988 | 25-12-2008 | एशीयन इलेक्ट्रॉनिक्स लि,<br>68, एम आई डी सी, सातपुर,<br>नासिक-422200                             | बत्ती उपकरण भाग 5- 10322: भाग 5 : सैक.1<br>विशेष अपेक्षाएं खंड 1 : 1985<br>सामान्य प्रयोजी बत्ती<br>उपकरण |   |
| 5. | 7807081 | 25-12-2008 | एशीयन इलेक्ट्रॉनिक्स लि,<br>68, एम आई डी सी, सातपुर,<br>नासिक-422200                             | बत्ती उपकरण भाग 5- 10322: भाग 5 : सैक.2<br>विशेष अपेक्षाएं खंड 2 : 1985<br>अंतराली बत्ती उपकरण            |   |
| 6. | 7807283 | 25-12-2008 | एजीएस इलेक्ट्रो, वसंत कंपाउंड,<br>चिंचोली रेलवे फाटक के पास,<br>मालाड-पश्चिम, मुंबई 400064       | घरेलू और सामान कार्यों 3854 : 1997<br>के लिए स्विच  |   |
| 7. | 7810171 | 31-12-2008 | एफसीजी हाई टेक प्राइवेट लिमिटेड,<br>362/1, श्री गणेश इंडस्ट्रियल इस्टेट,<br>कांशीगौव, दमण-396210 | विस्फोटोद्दीप्त गैस वायुमंडलों 5780:2002<br>के लिए विद्युत उपकरण<br>-आंतरिक सुरक्षा "1"<br>विशिष्ट        |   |

[सं. के प्र. वि./13:11]

ए. के. तलवार, उपमहानिदेशक (प्रमाणन)

New Delhi, the 20th March, 2008

**S.O. 747.**— In pursuance of sub-regulation (6) of regulation 5 of the Bureau of Indian Standards (Certification) Regulations, 1988, the Bureau of Indian Standards, hereby notifies the grant of licences particulars of which are given below in the following schedule :

**SCHEDULE**

| Sl. No. | Licence No. | Validity Date | Name and Address (factory) of the Party  | Product   | IS No./Part/Sec./Year          |
|---------|-------------|---------------|--|---|--------------------------------|
| 1       | 2           | 3             | 4  | 5   | 6                              |
| 1.      | 7810070     | 31-12-2008    | Sah Petroleums Ltd., 406/7, Embassy Centre, Nariman Point, Greater Bombay Mumbai-400021                              | Inhibited mineral insulating oils   | 12463:1988                     |
| 2.      | 7812882     | 10-01-2009    | Ayush Home Appliances, 01, Wadia Estate, Opp Bldg. No. 16, Bail Bazar, Old Kurta, Greater Bombay, Kurla-400070       | Plugs and socket outlets of 250 volts and rated current up to 16 amperes                    | 1293:2005                      |
| 3.      | 7810272     | 01-01-2009    | Sah Petroleums Limited, Plot Nos. 5 to 10, Behind Dewan & Shah Industrial Estate, Village Valiv, Thane, Vasai (East) | Inhibited mineral insulating oils   | 12463:1988                     |
| 4.      | 7806988     | 25-12-2008    | Asian Electronics Ltd., 68, MIDC, Satpur, Nashik, Maharashtra 422200   | Luminaires: Part 5 Particular requirements, Sec. 1 General purpose luminaires               | IS 10322: Part 5: Sec 1: 1985  |
| 5.      | 7807081     | 25-12-2008    | Asian Electronics Ltd 68, MIDC, Satpur, Nashik, Maharashtra 422200   | Specification for Luminaires-Part 5: Particular Requirements-Section 2: Recessed Luminaires | IS 10322: Part 5: Sec. 1: 1985 |

| 1  | 2       | 3          | 4   | 5   | 6              |
|----|---------|------------|---|---|----------------|
| 6. | 7807283 | 25-12-2008 | Ags Electric, Vasant, Compound, NR Chincholi Rty Phatak, Greater Bombay, Malad -W, Maharashtra-400064 | Switches for domestic and similar purposes  | IS 3854 : 1997 |
| 7. | 7810171 | 31-12-2008 | FCG Hi Tech Pvt. Ltd., 362/1, Shree Ganesh Indl. Estate, Kachigam, Daman-396210                       | Electrical Apparatus for Explosive Gas Atmospheres - Intrinsic Safety "I" Specification | IS 5780 : 2002 |

[No. CMD/13: 11]

A. K. TALWAR, DDGM

गई दिल्ली, 20 मार्च, 2008

का.आ. 748.-भारतीय मानक ब्यूरो (प्रमाणन) विनियम, 1988 के विनियम 5 के उप विनियम (6) के अनुसरण में भारतीय मानक ब्यूरो एतद्वारा अधिसूचित करता है कि निम्नके विवरण नीचे अनुसूची में दिए गए हैं, को उनके आगे दर्शाई गई तिथि से रद्द कर दिया गया है :

## अनुसूची

| क्रम संख्या | लाइसेंस संख्या | लाइसेंसधारी का नाम एवं पता  | लाइसेंस के अंतर्गत वस्तु/प्रक्रम संबंध भारतीय मानक सहित   | रद्द करने की तिथि |
|-------------|----------------|---|---|-------------------|
| 1           | 2              | 3   | 4   | 5                 |
| 1.          | 7054361        | क्विकर इंडस्ट्रीज,<br>गाला सं. 206, दूसरा चाला,<br>आशीर्वाद इंडस्ट्रियल इस्टेट,<br>राम मंदिर रोड, गोरेगांव पूर्व,<br>मुंबई-400104 | 3854 : 1997<br>घरेलू और समान कार्यों के लिए स्विच   | 09-01-2008        |
| 2.          | 7772290        | एफ सी जी पॉवर इंडस्ट्रीज<br>प्रा. लिमिटेड,<br>362/1 बी, गणेश इंडस्ट्रियल<br>इस्टेट, काचीगांव दमण,<br>दमण-396210                   | 2148 : 2004<br>बिजली के उपकरणों के लिए ज्वालासह आवरण  | 03-01-2008        |
| 3.          | 7749497        | नवीन इंडस्ट्रीज,<br>बी के सं. 1965 के पीछे,<br>ओ टी सेक्शन, धाने,<br>उल्हासनगर-421005   | 1554 : भाग 1 : 1998<br>पीवीसी रोधित (हैवी इयूटी) बिजली के केबल<br>भाग 1 : 1100 वोल्ट तक कार्यकारी वोल्टता के<br>लिए भाग 2 : 3.3 किवा से 11 किवा तक के<br>कार्यकारी वोल्ट हेतु | 21-01-2008        |
| 4.          | 7717181        | नेलसन इंडस्ट्रीज,<br>यूनिट से 40 और 122,<br>ब्ल्यू रोज इंडस्ट्रियल इस्टेट,<br>सी सी आई के पास<br>बोरिवली पूर्व, मुंबई-400066      | 4250 : 1980<br>बिजली के घरेलू खाद्य मिक्सर (इवीकारक और<br>ग्राइंडर) की विशिष्ट  | 18-01-2008        |
| 5.          | 7753993        | टेक्नोफ्लेक्स केबल्स,<br>ई/1 शिंगटे कंपाउंड,<br>कोकनीपाडा, दहिसर पूर्व,<br>मुंबई-400068   | 1554 : भाग 1 : 1988<br>पीवीसी रोधित (हैवी इयूटी) बिजली के केबल<br>भाग 1 : 1100 वोल्ट तक कार्यकारी वोल्टता के<br>लिए भाग 2 : 3.3 किवा से 11 किवा तक के<br>कार्यकारी वोल्ट हेतु | 01-01-2008        |

| 1  | 2       | 3   | 4   | 5          |
|----|---------|---|---|------------|
| 6. | 7703170 | यूनिट इंडस्ट्रीज,<br>रूम सं. 5, सांता निवास,<br>जी ए लिंक रोड,<br>साकीनाका, मुंबई-400072                        | 4250 : 1980<br>बिजली के घरेलू खाद्य मिक्सर (द्रवीकारक और<br>ग्राइंडर) की विशिष्टि | 08-01-2008 |
| 7. | 7738694 | विमल अप्लाइंसेस,<br>ई-46, स्मॉल इंडस्ट्रियल कॉम्प्लेक्स,<br>दादरा, सिलवासा रोड,<br>दादरा नगर हवेली, दादरा, यूटी | 4250 : 1980<br>बिजली के घरेलू खाद्य मिक्सर (द्रवीकारक और<br>ग्राइंडर) की विशिष्टि | 04-01-2008 |

[सं. के प्र वि/13:13]

ए. के. तलवार, उपमहानिदेशक (प्रमाणन)

New Delhi, the 20th March, 2008

S.O. 748.—In pursuance of sub-regulation (6) of regulation 5 of the Bureau of Indian Standards (Certification) Regulations, 1988, the Bureau of Indian Standards, hereby notifies that the licences particulars of which are given in the following schedule have been cancelled with effect from the date indicated against each :

## SCHEDULE

| Sl. No. | Licence No. | Name and Address of the licensee  | Article/Process with relevant Indian Standard covered by the licence cancelled   | Date of Cancellation |
|---------|-------------|---|--|----------------------|
| 1       | 2           | 3   | 4  | 5                    |
| 1.      | 7054361     | Victor Industries,<br>Gala No. 206, 2nd Floor,<br>Ashirwad Inds. Heavy<br>Industrial Estate,<br>Ram Mandir Road,<br>Greater Bombay, Goregaon (E)<br>Mumbai-400104 | 3854 : 1997<br>Switches for domestic and similar purposes  | 09-01-2008           |
| 2.      | 7772290     | FCG Power Industries Pvt. Ltd.<br>362/1B, Ganesh Industrial<br>Estate, Kachigam, Daman,<br>Daman-396210   | 2148 : 2004<br>Flameproof enclosures as mentioned in<br>Annexure-A   | 03-01-2008           |
| 3.      | 7749497     | Navin Industries,<br>Behind BK. No. 1965,<br>O.T. Section, Thane<br>Ulhasnagar-421005   | 1554 : Part 1 : 1988<br>"PVC Insulated (Heavy Duty) Electric cables<br>single/multicore, PVC sheathed, armoured/un-<br>armoured with copper/aluminium conductor<br>having overall diameter upto and including<br>55 mm, sheath type ST-1 and Type A insu-<br>lation, category-01 for working voltages upto<br>and including 1100 Volts excluding cables for<br>low temperature condition and mining use" | 21-01-2008           |
| 4.      | 7717181     | Nelson Industries<br>Unit No. 40 & 122,<br>Blue Rose Industrial Estate,<br>Next to C.C.I., Greater Bombay,<br>Borivli (E)-400066                                  | 4250 : 1980<br>Domestic electric Food Mixer (Liquidizer &<br>Grinder) for 500W, 230V, ac, 50Hz, Class I<br>appliances, Insulation Class H, Jar capacity<br>for liquidizer 1.0 litre and for grinder 100 ml,<br>Rating 30 min (5 minutes on and 2 minutes<br>(Rest)   | 18-01-2008           |
| 5.      | 7753993     | Technoflex Cables<br>E/1, Shinghte Compound,<br>Koknipada, Greater Bombay<br>Dahisar (E)-400068   | 1554 : Part 1 : 1988<br>Single/multicore, sheathed, copper/aluminium<br>conductor, armoured/un-armoured, PVC<br>Insulation type A, sheath type ST 1, category<br>01, excluding low temperature conditions and<br>mining use  | 01-01-2008           |

| 1  | 2       | 3   | 4  | 5          |
|----|---------|---|--|------------|
| 6. | 7703170 | Unity Industries<br>Room No. 5, Santa Niwas,<br>G.A. Link Road,<br>Greater Bombay<br>Sakinaka, Mumbai-400072          | 4250:1980<br>550W, 230 V ac, 50 Hz, Rating 30 min. (5 min.<br>On, 2 min. rest), Appliances Class I, Insulation<br>Class H. Jar Cap. Liq. 1 lit. and Grinder 100 ml.              | 08-01-2008 |
| 7. | 7738694 | Vinal Appliances,<br>E-46, Span Industrial Complex,<br>Dadra, Silvassa Road,<br>Dadra and Nagar Haveli,<br>Dadra (UT) | 4250:1980<br>"Domestic electric food mixer and grinder of<br>500W, 230V, ac, 50Hz, 30 minute rating (5<br>minute ON, 2 minute OFF), class I appliance,<br>class of insulation H" | 04-01-2008 |

[No. CMD/13:13]

A. K. TALWAR, DDGM

नई दिल्ली, 25 मार्च, 2008

का.आ. 749.— भारतीय मानक ब्यूरो नियम 1987 के नियम 7 के उपनियम (1) के खंड (ख) के अनुसरण में भारतीय मानक ब्यूरो एतद्वारा अधिसूचित करता है कि जिस भारतीय मानक का विवरण नीचे अनुसूची में दिया गया है वह स्थापित हो गया है :-

## अनुसूची

| क्रम<br>संख्या | स्थापित भारतीय मानक (कों) की संख्या<br>वर्ष और शीर्षक  | नये भारतीय मानक द्वारा अतिक्रमित भारतीय<br>मानक अथवा मानकों, यदि कोई हो, की<br>संख्या और वर्ष | स्थापित तिथि    |
|----------------|--|---|-----------------|
| 1              | 2  | 3   | 4               |
| 1.             | आई एस/आई ई सी 60320-1 : 2001<br>घरेलू और ऐसे ही सामान्य प्रयोजनों के<br>लिए साधित्र युग्मक भाग 1 सामान्य अपेक्षाएँ | —   | 30 नवम्बर, 2007 |

इस भारतीय मानक की एक प्रति भारतीय मानक ब्यूरो, मानक भवन, 9, बहादुर शाह जफर मार्ग, नई दिल्ली-110002, क्षेत्रीय कार्यालयों : नई दिल्ली, कोलकाता, चण्डीगढ़, चेन्नई, मुम्बई तथा शाखा कार्यालयों : अहमदाबाद, बंगलौर, भोपाल, भुवनेश्वर, कोयम्बतूर, गुवाहाटी, हैदराबाद, जयपुर, कानपुर, नागपुर, पटना, पूणे तथा तिरुवनन्तापुरम में बिक्री हेतु उपलब्ध हैं।

[संदर्भ : ईटी 14/टी-80]

पी. के. मुखर्जी, वैज्ञ. एफ एवं प्रमुख (विद्युत तकनीकी)

New Delhi, the 25th March, 2008

S.O. 749.—In pursuance of clause (b) of sub-rule (1) of Rule 7 of the Bureau of Indian Standards Rules, 1987, the Bureau of Indian Standards hereby notifies the Indian Standards to the Indian Standards, particulars of which is given in the Schedule hereto annexed has been issued :

## SCHEDULE

| Sl. No. | No. & Year of the Indian Standards   | No. & Year of the Indian Standards,<br>if any, Superseded by the New<br>Indian Standard | Date of Established |
|---------|--|---|---------------------|
| (1)     | (2)  | (3)   | (4)                 |
| 1.      | IS/IEC 60320-1 : 2001<br>Appliance couplers for household<br>and similar general purposes Part 1<br>General requirements | —   | 30 November 2007    |

Copy of this Standard is available for sale with the Bureau of Indian Standards, Manak Bhavan, 9 Bahadur Shah Zafar Marg, New Delhi-110002 and Regional Offices: New Delhi, Kolkata, Chandigarh, Chennai, Mumbai and also Branch Offices: Ahmedabad, Bangalore, Bhopal, Bhubaneswar, Coimbatore, Guwahati, Hyderabad, Jaipur, Kanpur, Nagpur, Patna, Pune, Thiruvananthapuram.

[Ref: ET 14/T-80]

P. K. MUKHERJEE, Sc. 'F' &amp; Head (Electro Technical)



## कोयला मंत्रालय

नई दिल्ली, 28 मार्च, 2008

क्र.अ. 750.-केन्द्रीय सरकार, सरकारी स्थान (अप्राधिकृत, अधिमोनियों की बेदखली) अधिनियम 1971 (1971 का 40) की धारा 3 द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए और भारत के राजपत्र भाग II, खण्ड 3 उपखण्ड (ii), तारीख 29 अक्टूबर, 2005 में प्रकाशित भारत सरकार के कोयला मंत्रालय की अधिसूचना सं. का. आ. 3953, तारीख 24 अक्टूबर, 2005 को उन बातों के सिधाय अधिकृत करते हुए, जिन्हें ऐसे अधिकरण से पूर्व किया गया है या करने का सोच किया गया है, नीचे सारणी के स्तम्भ (1) में उल्लिखित अधिकारियों को, जो साउथ ईस्टर्न कोलफील्ड्स लिमिटेड के अधिकारी हैं और केन्द्रीय सरकार के राजपत्रित अधिकारी की रैंक के समतुल्य अधिकारी हैं, उक्त अधिनियम के प्रयोजनों के लिए सम्पदा अधिकारी नियुक्त करती है, जो उक्त सारणी के स्तम्भ (2) में विनिर्दिष्ट सरकारी स्थानों के प्रवर्गों की बाबत अपनी अधिकारिताओं की स्थानीय सीमाओं के भीतर उक्त अधिनियम द्वारा या उसके अधीन सम्पदा अधिकारियों को प्रदत्त शक्तियों का प्रयोग और उन पर अधिदेयित कर्तव्यों का पालन करेंगे।

## सारणी

| क्र. सं. | अधिकारी का नाम पदनाम  | सरकारी स्थानों के प्रवर्ग और अधिकारिता की स्थानीय परिसीमाएं   |
|----------|---|---|
| 1        | 2   | 3   |
| 1.       | स्टाफ अधिकारी (खनन) क्षेत्रीय मुख्यालय जोहिला, क्षेत्र मुख्य महाप्रबंधक नौरोजाबाद का कार्यालय, जिला-उमरिया (म.प्र.) | मध्य प्रदेश राज्य में स्थित साउथ ईस्टर्न कोलफील्ड्स लिमिटेड के सभी परिसर तथा उमरिया जिले में फैले जोहिला क्षेत्रीय कार्यालय के क्षेत्र के भाग।                |
| 2.       | उपक्षेत्रीय प्रबंधक/अधिकर्ता, पाली उपक्षेत्र, डाकघर बिरसिहपुर, पाली, जिला उमरिया (म.प्र.)                           | मध्य प्रदेश राज्य में स्थित साउथ ईस्टर्न कोलफील्ड्स लिमिटेड के सभी परिसर तथा उमरिया जिले में फैले जोहिला क्षेत्र के पाली उपक्षेत्र के क्षेत्र भाग।            |
| 3.       | उपक्षेत्रीय प्रबंधक/अधिकर्ता, पिनौरा विन्ध्या उपक्षेत्र, डाकघर विन्ध्या, जिला उमरिया (म.प्र.)                       | मध्य प्रदेश राज्य में स्थित साउथ ईस्टर्न कोलफील्ड्स लिमिटेड के सभी परिसर तथा उमरिया जिले में फैले जोहिला क्षेत्र के पिनौरा विन्ध्या उपक्षेत्र के क्षेत्र भाग। |
| 4.       | उपक्षेत्रीय प्रबंधक/अधिकर्ता, उमरिया उपक्षेत्र, डाकघर उमरिया, जिला उमरिया (म.प्र.)                                  | मध्य प्रदेश राज्य में स्थित साउथ ईस्टर्न कोलफील्ड्स लिमिटेड के सभी परिसर तथा उमरिया जिले में फैले जोहिला क्षेत्र के उमरिया उपक्षेत्र के क्षेत्र भाग।          |
| 5.       | उपक्षेत्रीय प्रबंधक/अधिकर्ता, नौरोजाबाद उपक्षेत्र, डाकघर उमरिया, जिला उमरिया (म.प्र.)                               | मध्य प्रदेश राज्य में स्थित साउथ ईस्टर्न कोलफील्ड्स लिमिटेड के सभी परिसर तथा उमरिया जिले में फैले जोहिला क्षेत्र के नौरोजाबाद उपक्षेत्र के क्षेत्र भाग।       |
| 6.       | उप महाप्रबंधक, एसईसीएल गेवरा क्षेत्र, डाकघर गेवरा परियोजना, जिला कोरबा (छ.ग.)                                       | छत्तीसगढ़ राज्य में स्थित साउथ ईस्टर्न कोलफील्ड्स लिमिटेड के सभी परिसर तथा कोरबा जिले में फैले गेवरा क्षेत्र के गेवरा परियोजना के क्षेत्र भाग।                |
| 7.       | उप महाप्रबंधक, एसईसीएल दीपिका परियोजना, जिला कोरबा (छ.ग.)   | छत्तीसगढ़ राज्य में स्थित साउथ ईस्टर्न कोलफील्ड्स लिमिटेड के सभी परिसर तथा कोरबा जिले में फैले गेवरा क्षेत्र के दीपिका परियोजना के क्षेत्र भाग।               |
| 8.       | उपमुख्य इंजीनियर उत्खनन, केन्द्रीय उत्खनन कर्मशाला, डाकघर गेवरा, जिला कोरबा (छ.ग.)                                  | छत्तीसगढ़ राज्य में स्थित साउथ ईस्टर्न कोलफील्ड्स लिमिटेड के सभी परिसर तथा कोरबा जिले में फैले गेवरा क्षेत्र के केन्द्रीय उत्खनन कर्मशाला के क्षेत्र भाग।     |
| 9.       | उपमुख्य कार्मिक प्रबंधक, कार्यालय महाप्रबंधक भटगांव क्षेत्र, डाकघर जरही, पोस्ट भटगांव, जिला सरगुजा (छ.ग.)           | छत्तीसगढ़ राज्य में स्थित साउथ ईस्टर्न कोलफील्ड्स लिमिटेड के सभी परिसर तथा सरगुजा जिले में फैले भटगांव क्षेत्र के कार्यालय महाप्रबंधक भटगांव क्षेत्र के भाग।  |
| 10.      | उपक्षेत्रीय प्रबंधक/अधिकर्ता, दुग्गा उपक्षेत्र डाकघर भटगांव कालरी, जिला सरगुजा (छ.ग.)                               | छत्तीसगढ़ राज्य में स्थित साउथ ईस्टर्न कोलफील्ड्स लिमिटेड के सभी परिसर तथा सरगुजा जिले में फैले भटगांव क्षेत्र के दुग्गा उपक्षेत्र का भाग।                    |

[illegible]

| 1   | 2  | 3  |
|-----|--|--|
| 25. | उप महाप्रबंधक/उपक्षेत्रीय प्रबंधक/अधिकर्ता<br>परियोजना अधिकारी, मानिकपुर उपक्षेत्र, डाकखाना<br>मानिकपुर, जिला कोरबा (छ.ग.) | छत्तीसगढ़ राज्य में स्थित साठथ ईस्टर्न कोलफील्ड्स लिमिटेड के<br>सभी परिसर तथा कोरबा जिले में फैले कोरबा क्षेत्र के मानिकपुर<br>उपक्षेत्र के भाग।                           |
| 26. | उपमुख्य अभियंता, केंद्रीय कर्मशाला डाकखाना<br>कोरबा कालरी, जिला कोरबा (छ.ग.)   | छत्तीसगढ़ राज्य में स्थित साठथ ईस्टर्न कोलफील्ड्स लिमिटेड के<br>सभी परिसर तथा कोरबा जिले में फैले कोरबा क्षेत्र के केंद्रीय<br>कर्मशाला के भाग।                            |
| 27. | स्टाफ अधिकारी (खनन), जमुना-कोतमा क्षेत्र,<br>डाकखाना जमुना कालरी, जिला अनूपपुर (म.प्र.)                                    | मध्य प्रदेश राज्य में स्थित साठथ ईस्टर्न कोलफील्ड्स लिमिटेड के<br>संबंधित सभी परिसर तथा अनूपपुर जिले में फैले जमुना-कोतमा क्षेत्र<br>के क्षेत्रीय कार्यालय के क्षेत्र भाग। |
| 28. | उपमहाप्रबंधक, गोविंदा उपक्षेत्र डाकखाना गोविंदा<br>कालरी, जिला अनूपपुर (म.प्र.)  | मध्य प्रदेश राज्य में स्थित साठथ ईस्टर्न कोलफील्ड्स लिमिटेड के<br>संबंधित सभी परिसर तथा अनूपपुर जिले में फैले जमुना-कोतमा<br>क्षेत्र के गोविंदा उपक्षेत्र के क्षेत्र भाग।  |
| 29. | उपक्षेत्रीय प्रबंधक, आमाडांड उपक्षेत्र डाकखाना<br>मलगा कालरी, जिला अनूपपुर (म.प्र.)  | मध्य प्रदेश राज्य में स्थित साठथ ईस्टर्न कोलफील्ड्स लिमिटेड के<br>संबंधित सभी परिसर तथा अनूपपुर जिले में फैले जमुना-कोतमा क्षेत्र<br>के आमाडांड उपक्षेत्र के क्षेत्र भाग।  |
| 30. | उपक्षेत्रीय प्रबंधक, भदरा उपक्षेत्र, डाकखाना भदरा<br>कालरी, जिला अनूपपुर (म.प्र.)  | मध्य प्रदेश राज्य में स्थित साठथ ईस्टर्न कोलफील्ड्स लिमिटेड के<br>संबंधित सभी परिसर तथा अनूपपुर जिले में फैले जमुना-कोतमा क्षेत्र<br>के भदरा उपक्षेत्र के क्षेत्र भाग।     |
| 31. | उपक्षेत्रीय प्रबंधक, कोतमा उपक्षेत्र, डाकखाना कोतमा<br>कालरी, जिला अनूपपुर (म.प्र.)  | मध्य प्रदेश राज्य में स्थित साठथ ईस्टर्न कोलफील्ड्स लिमिटेड के<br>संबंधित सभी परिसर तथा अनूपपुर जिले में फैले जमुना-कोतमा क्षेत्र<br>के कोतमा उपक्षेत्र के क्षेत्र भाग।    |
| 32. | उपमहाप्रबंधक/स्टाफ आफिसर (खनन), बैकुण्ठपुर,<br>जिला कोरिया (छ.ग.)  | छत्तीसगढ़ राज्य में स्थित साठथ ईस्टर्न कोलफील्ड्स लिमिटेड के<br>सभी परिसर तथा कोरिया जिले में फैले बैकुण्ठपुर क्षेत्र के क्षेत्रीय<br>कार्यालय के भाग।                     |
| 33. | उपक्षेत्रीय प्रबंधक, कटकोना उपक्षेत्र, डाकखाना<br>कटकोना, जिला कोरिया (छ.ग.)   | छत्तीसगढ़ राज्य में स्थित साठथ ईस्टर्न कोलफील्ड्स लिमिटेड के<br>सभी परिसर तथा कोरिया जिले में फैले बैकुण्ठपुर क्षेत्र के कटकोना<br>के भाग।                                 |
| 34. | उपक्षेत्रीय प्रबंधक, झिलमिली पाण्डवपारा उपक्षेत्र,<br>डाकखाना झिलमिली, जिला कोरिया (छ.ग.)                                  | छत्तीसगढ़ राज्य में स्थित साठथ ईस्टर्न कोलफील्ड्स लिमिटेड के<br>सभी परिसर तथा कोरिया जिले में फैले बैकुण्ठपुर क्षेत्र के झिलमिली व<br>पाण्डवपारा उपक्षेत्र के भाग।         |
| 35. | उपमहाप्रबंधक/उपक्षेत्रीय प्रबंधक, चरचा वेस्ट<br>कालरी, जिला कोरिया (छ.ग.)  | छत्तीसगढ़ राज्य में स्थित साठथ ईस्टर्न कोलफील्ड्स लिमिटेड के<br>सभी परिसर तथा कोरिया जिले में फैले बैकुण्ठपुर क्षेत्र के चरचा वेस्ट<br>के भाग।                             |
| 36. | उपमहाप्रबंधक/उपक्षेत्रीय प्रबंधक, चरचा ईस्ट<br>कालरी, जिला कोरिया (छ.ग.)   | छत्तीसगढ़ राज्य में स्थित साठथ ईस्टर्न कोलफील्ड्स लिमिटेड के<br>सभी परिसर तथा कोरिया जिले में फैले बैकुण्ठपुर क्षेत्र के चरचा ईस्ट<br>के भाग।                              |
| 37. | कार्मिक प्रबंधक, रायगढ़ क्षेत्र छोटे अट्ठरमुरी, पो.<br>वा.नं. 27, डाकखाना रायगढ़ (छ.ग.)                                    | छत्तीसगढ़ राज्य में स्थित साठथ ईस्टर्न कोलफील्ड्स लिमिटेड के<br>सभी परिसर तथा रायगढ़ जिले में फैले रायगढ़ क्षेत्र के क्षेत्रीय<br>कार्यालय के भाग।                         |
| 38. | उपक्षेत्रीय प्रबंधक, छाल उपक्षेत्र, डाकखाना छाल,<br>जिला रायगढ़ (छ.ग.)   | छत्तीसगढ़ राज्य में स्थित साठथ ईस्टर्न कोलफील्ड्स लिमिटेड के<br>सभी परिसर तथा रायगढ़ जिले में फैले रायगढ़ क्षेत्र के छाल के भाग।   |

[illegible]



| (1) | (2)   | (3)   |
|-----|---|---|
| 65. | उपक्षेत्रीय प्रबंधक, विश्रामपुर खुली खदान<br>उपक्षेत्र, रे. स्टे. विश्रामपुर, पो.आ. विश्रामपुर<br>कालरी, जिला सरगुजा (छ.ग.) | छत्तीसगढ़ राज्य में स्थित साउथ ईस्टर्न कोलफील्ड्स लिमिटेड के संबंधित सभी परिसर तथा सरगुजा जिले में फैले और विश्रामपुर क्षेत्र के विश्रामपुर खुली खदान उपक्षेत्र के क्षेत्र भाग। |
| 66. | उपक्षेत्रीय प्रबंधक, अमेरा उपक्षेत्र रेलवे स्टेशन<br>विश्रामपुर, पो.आ. विश्रामपुर कालरी, जिला<br>सरगुजा (छ.ग.)              | छत्तीसगढ़ राज्य में स्थित साउथ ईस्टर्न कोलफील्ड्स लिमिटेड के संबंधित सभी परिसर तथा सरगुजा जिले में फैले और विश्रामपुर क्षेत्र के अमेरा उपक्षेत्र के क्षेत्र भाग।                |
| 67. | उप महाप्रबंधक (श्रमशक्ति/कल्याण), एसईसीएल<br>मुख्यालय डाकखाना नं. 60, सीपत रोड डाकखाना<br>बिलासपुर (छ.ग.)                   | छत्तीसगढ़ राज्य में स्थित साउथ ईस्टर्न कोलफील्ड्स लिमिटेड के संबंधित सभी परिसर तथा बिलासपुर जिले में फैले और बिलासपुर एसईसीएल के मुख्यालय के क्षेत्र भाग।                       |
| 68. | नगर प्रशासक, एसईसीएल मुख्यालय डाकखाना<br>एसईसीएल, सीपत रोड डाकखाना बिलासपुर<br>(छ.ग.)                                       | छत्तीसगढ़ राज्य में स्थित साउथ ईस्टर्न कोलफील्ड्स लिमिटेड के संबंधित सभी परिसर तथा बिलासपुर जिले में फैले और बिलासपुर एसईसीएल के मुख्यालय के क्षेत्र भाग।                       |
| 69. | मुख्य महाप्रबंधक डान्कुनी कोल काम्पलेक्स<br>डाकखाना डान्कुनी, जिला हुगली (प.बं.)  | पश्चिम बंगाल राज्य में स्थित साउथ ईस्टर्न कोलफील्ड्स लिमिटेड के हुगली जिला में फैले डान्कुनी कोल काम्पलेक्स के भाग।   |

नोट— विभिन्न क्षेत्रों/ईकाईयों/स्थापनाओं के सभी साउथ ईस्टर्न कोलफील्ड्स लिमिटेड बिलासपुर (छ.ग.) के नियंत्रणाधीन या उसके अन्य परिसर, आवसीय एवं गैर-आवसीय भवन भी सम्मिलित हैं।

[नं. 43022/1/2003-पीआरआईडब्ल्यू]

एम. शहाबुद्दीन, अवर सचिव

#### MINISTRY OF COAL

New Delhi, the 28th March, 2008

S.O. 750.—In exercise of the powers conferred by Section 3 of the Public Premises (Eviction of Un-authorised Occupants) Act, 1971 (40 of 1971) and in supersession of the notification of the Government of India in the Ministry of Coal Number S.O. 3953 dated the 24th October, 2005 published in the Gazette of India Part-II, Section 3, sub-section (ii), dated the 29th October, 2005, except as respects things done or omitted to be done before such supersession, the Central Government hereby appoints the officers mentioned in column (2) of the Table below, being the officers of the South Eastern Coalfields Limited and equivalent to the rank of Gazetted Officers of the Central Government, to be the estate officers for the purposes of the said Act, who shall exercise the powers conferred and perform the duties imposed on the estate officers or under the said Act within the limits of their jurisdiction in respect of the categories of the public premises specified in the corresponding entry in column (3) of the said Table.

TABLE

| Sl. No. | Designation of the Officer   | Categories of Public Premises and local limits of jurisdiction  |
|---------|--|---|
| (1)     | (2)  | (3)   |
| 1.      | Staff Officer (Mining)<br>Area Hqrs. Johilla Area,<br>Office of the CGM, Nowrozabad<br>Distt : Umaria (MP) | All the premises belonging to South Eastern Coalfields Limited and forming part of Area Officer of Johilla Area spread over in the District Umaria situated in the State of Madhya Pradesh.             |
| 2.      | Sub Area Manager/Agent,<br>Pali Sub Area,<br>PO : Birsinghpur Pali,<br>Distt : Umaria (MP)                 | All the premises belonging to South Eastern Coalfields Limited and forming part of Pali Sub Area of Johilla Area spread over in the District Umaria situated in the State of Madhya Pradesh.            |
| 3.      | Sub Area Manager/Agent,<br>Pinoura-Vindhya Sub Area,<br>PO : Vindhya,<br>Distt : Umaria (MP)               | All the premises belonging to South Eastern Coalfields Limited and forming part of Pinoura-Vindhya Sub Area of Johilla Area spread over in the District Umaria situated in the State of Madhya Pradesh. |

| (1) | (2)   | (3)   |
|-----|---|---|
| 4.  | Sub Area Manager/Agent,<br>Umariya Sub Area,<br>PO : Umariya Distt : Umariya (MP)   | All the premises belonging to South Eastern Coalfields Limited and forming part of Umariya Sub Area of Johilla Area spread over in the District Umariya situated in the State of Madhya Pradesh.                      |
| 5.  | Sub Area Manager/Agent,<br>Nowrozabad Sub Area,<br>PO : Nowrozabad Distt : Umariya  | All the premises belonging to South Eastern Coalfields Limited and forming part of Nowrozabad Sub Area of Johilla Area spread over in the District Umariya situated in the State of Madhya Pradesh.                   |
| 6.  | Dy. General Manager,<br>SECL, Gevra project,<br>PO : Gevra Distt : Korba (CG) 495 452.  | All the premises belonging to South Eastern Coalfields Limited and forming part of Gevra Project/ Area and spread over in the District Korba situated in the State of Chhatisgarh.                                    |
| 7.  | Dy. General Manager,<br>Dipka Project, SECL, Dipka Area,<br>PO : Dipka Project,<br>Distt : Korba (CG) 495 452.                    | All the premises belonging to South Eastern Coalfields Limited and forming part of Dipka Project/Area and spread over in the District Korba situated in the State of Chhatisgarh.                                     |
| 8.  | Dy. Chief Engineer (Excav)<br>Central Excavation Workshop,<br>PO : Gevra Distt : Korba (CG)                                       | All the premises belonging to South Eastern Coalfields Limited and forming part of Central Excavation Workshop of Gevra Area and spread over in the District Korba situated in the State of Chhatisgarh.              |
| 9.  | Dy. Chief Personnel Manager,<br>Office of G.M. Bhatgaon Area,<br>PO : Jarhi, Post : Bhatgaon,<br>Distt : Surguja (CG) 497235      | All the premises belonging to South Eastern Coalfields Limited and forming part of Bhatgaon Area and spread over in the District Surguja situated in the State of Chhatisgarh.  |
| 10. | Sub Area Manager/Agent,<br>Dugga Sub Area,<br>PO : Bhatgaon Colliery,<br>Distt : Surguja (CG) 497235                              | All the premises belonging to South Eastern Coalfields Limited and forming part of Dugga Sub Area of Bhatgaon Area and spread over in the District Surguja situated in the State of Chhatisgarh.                      |
| 11. | Sub Area Manager/Agent,<br>Kalyani Sub Area, Jarhi,<br>PO : Bhatgaon Colliery,<br>Distt : Surguja (CG) 497235                     | All the premises belonging to South Eastern Coalfields Limited and forming part of Kalyani Sub Area of Bhatgaon Area and spread over in the District Surguja situated in the State of Chhatisgarh.                    |
| 12. | Sub Area Manager/Agent,<br>Bhatgaon Sub Area, Jarhi,<br>PO : Bhatgaon Colliery,<br>Distt : Surguja (CG) 497235                    | All the premises belonging to South Eastern Coalfields Limited and forming part of Bhatgaon Sub Area of Bhatgaon Area and spread over in the District Surguja situated in the State of Chhatisgarh.                   |
| 13. | Sub Area Manager/Agent,<br>Burhar Sub Area,<br>Railway Station Amlai,<br>PO : Dhanpuri, Distt : Shahdol (MP)                      | All the premises belonging to South Eastern Coalfields Limited and forming part of Burhar Sub Area of Sohagpur Area and spread over in the District Shahdol situated in the State of Madhya Pradesh.                  |
| 14. | Sub Area Manager/Agent,<br>P.O. Sharda OCM Sub Area,<br>Railway Station Amlai,<br>PO : Amlai Paper Mills<br>Distt : Anuppur (MP). | All the premises belonging to South Eastern Coalfields Limited and forming part of Sharda OCM Sub Area of Sohagpur Area and spread over in the District Anuppur situated in the State of Madhya Pradesh.              |
| 15. | Sub Area Manager/Agent, P.O.<br>Amlai & Bangwar Sub Area,<br>Railway Station Amlai,<br>PO : Amlai, Distt : Anuppur (MP).          | All the premises belonging to South Eastern Coalfields Limited and forming part of Amlai & Bangwar Sub Area of Sohagpur Area and spread over in the District Shahdol Anuppur situated in the State of Madhya Pradesh. |
| 16. | Sub Area Manager/Agent/P.O.<br>Rajendra Naavagaon Sub Area,<br>Railway Station Burhar,<br>PO : Khairaha Distt : Shahdol (MP)      | All the premises belonging to South Eastern Coalfields Limited and forming part of Rajendra Navagaon Sub Area of Sohagpur Area and spread over in the District Shahdol situated in the State of Madhya Pradesh.       |

| (1) | (2)  | (3)   |
|-----|--|---|
| 17. | Sub Area Manager/Agent/P.O.<br>Amlai OCM Sub Area Amlai,<br>PO : Sanjay Koyla Nagar<br>Distt : Shahdol (MP)                            | All the premises belonging to South Eastern Coalfields Limited and forming part of Amlai OCM Sub Area of Sohagpur Area and spread over in the District Shahdol situated in the State of Madhya Pradesh.       |
| 18. | Sub Area Manager/Agent/P.O.<br>Dhanpuri OCM Sub Area Amlai,<br>PO : Sanjay Koyla Nagar<br>Distt : Anuppur (MP)                         | All the premises belonging to South Eastern Coalfields Limited and forming part of Dhanpuri OCM Sub Area of Sohagpur Area and spread over in the District Anuppur situated in the State of Madhya Pradesh.    |
| 19. | Dy. General Manager,<br>Staff Officer (Mining)<br>Area Establishment,<br>Railway Station Amlai,<br>PO : Dhanpuri, Distt : Shahdol (MP) | All the premises belonging to South Eastern Coalfields Limited and forming part of Area Establishment of Sohagpur Area and spread over in the District Shahdol situated in the State of Madhya Pradesh.       |
| 20. | Dy. CME/SO (Mines),<br>Korba Area,<br>PO : Korba Colliery,<br>Distt : Korba (CG).  | All the premises belonging to South Eastern Coalfields Limited and forming part of Korba Area Establishment, spread over in the District Korba situated in the State of Chhatisgarh.                          |
| 21. | Dy. General Manager/SAM/<br>Agent/Project Officer,<br>Rajgamar Sub Area,<br>PO : Ompur Colliery,<br>Distt : Korba (CG).                | All the premises belonging to South Eastern Coalfields Limited and forming part of Rajgamar Sub Area of Korba Area and spread over in the District Korba situated in the State of Chhatisgarh.                |
| 22. | Dy. GM/SAM/Agent/PO,<br>Banki Sub Area,<br>PO : Banki Mogra,<br>Distt : Korba (CG).  | All the premises belonging to South Eastern Coalfields Limited and forming part of Banki Sub Area of Korba Area, spread over in the District Korba situated in the State of Chhatisgarh.                      |
| 23. | Dy. GM/SAM/Agent/PO,<br>Surakachhar/Balgi Sub Area,<br>PO : Katghora,<br>Distt : Korba (CG).   | All the premises belonging to South Eastern Coalfields Limited and forming part of Surakachhar/Balgi Sub Area of Korba Area spread over in the District Korba situated in the State of Chhatisgarh.           |
| 24. | Dy. GM/SAM/Agent/PO,<br>Dhelwadih-Singhali-Bagdeva<br>Sub Area,<br>PO : Katghora,<br>Distt : Korba (CG).                               | All the premises belonging to South Eastern Coalfields Limited and forming part of Dhelwadih-Singhali-Bagdeva Sub Area of Korba Area, spread over in the District Korba situated in the State of Chhatisgarh. |
| 25. | Dy. GM/SAM/Agent/PO,<br>Manikpur Sub Area,<br>PO : Manikpur,<br>Distt : Korba (CG).  | All the premises belonging to South Eastern Coalfields Limited and forming part of Manikpur Sub Area of Korba Area, spread over in the District Korba situated in the State of Chhatisgarh.                   |
| 26. | Dy. Chief Engineer,<br>Central Workshop,<br>PO : Korba Colliery,<br>Distt : Korba (CG)   | All the premises belonging to South Eastern Coalfields Limited and forming part of Central Workshop of Korba Area spread over in the District Korba situated in the State of Chhatisgarh.                     |
| 27. | Staff Officer (Mining),<br>Jamuna-Kotma Area,<br>PO : Jamuna Colliery,<br>Distt : Anuppur (MP) : 484 444                               | All the premises belonging to South Eastern Coalfields Limited and forming part of Area Office, Jamuna Kotma Area, spread over in the District Anuppur situated in the State of Madhya Pradesh.               |
| 28. | Dy. General Manager,<br>Govinda Sub Area,<br>Govinda Colliery,<br>Distt : Anuppur (MP)   | All the premises belonging to South Eastern Coalfields Limited and forming part of Govinda Sub Area, Jamuna Kotma Area, spread over in the District Anuppur situated in the State of Madhya Pradesh.          |



| (1) | (2)  | (3)  |
|-----|--|--|
| 29. | Sub Area Manager,<br>Amadand,<br>PO : Malga Colliery,<br>Distt : Anuppur (MP)  | All the premises belonging to South Eastern Coalfields Limited and forming part of Amadand, Jamuna Kotma Area, spread over in the District Anuppur situated in the State of Madhya Pradesh.                        |
| 30. | Sub Area Manager,<br>Bhadra,<br>PO : Bhadra Colliery,<br>Distt : Anuppur (MP).   | All the premises belonging to South Eastern Coalfields Limited and forming part of Bhadra, Jamuna Kotma Area, spread over in the District Anuppur situated in the State of Madhya Pradesh.                         |
| 31. | Sub Area Manager,<br>Kotma Sub Area,<br>PO : Kotma,<br>Distt : Anuppur (MP).   | All the premises belonging to South Eastern Coalfields Limited and forming part of Kotma Sub Area of Jamuna Kotma Area, spread over in the District Anuppur situated in the State of Madhya Pradesh.               |
| 32. | Ly. General Manager, SO (M)<br>PO : Baikunthpur,<br>Distt : Korea (CG)   | All the premises belonging to South Eastern Coalfields Limited and forming part of Area Office Baikunthpur Area, spread over in the District Korea situated in the State of Chhatisgarh.                           |
| 33. | Sub Area Manager, Katkona,<br>PO : Katkona,<br>Distt : Korea (CG)  | All the premises belonging to South Eastern Coalfields Limited and forming part of Katkona, Baikunthpur Area, spread over in the District Korea situated in the State of Chhatisgarh.                              |
| 34. | Sub Area Manager,<br>Jhilimili & Pandavpara Sub Area,<br>PO : Jhilimili,<br>Distt : Korea (CG)                               | All the premises belonging to South Eastern Coalfields Limited and forming part of Jhilimili and Pandavpara Sub Area of Baikunthpur Area, spread over in the District Korea situated in the State of Chhatisgarh.  |
| 35. | Dy. General Manager/SAM,<br>PO : Churcha West Colliery,<br>Distt : Korea (CG).   | All the premises belonging to South Eastern Coalfields Limited and forming part of Churcha West Colliery of Baikunthpur Area, spread over in the District Korea situated in the State of Chhatisgarh.              |
| 36. | Dy. General Manager/SAM,<br>PO : Churcha East Colliery,<br>Distt : Korea (CG).   | All the premises belonging to South Eastern Coalfields Limited and forming part of Churcha East Colliery of Baikunthpur Area, spread over in the District Korea situated in the State of Chhatisgarh.              |
| 37. | Personnel Manager,<br>Raigarh Area,<br>Chhote Attanmurah,<br>P.B. No. 27, PO Raigarh,<br>Distt : Raigarh (CG) 496001         | All the premises belonging to South Eastern Coalfields Limited and forming part of Area Office of Raigarh Area, spread over in the District Raigarh situated in the State of Chhatisgarh.                          |
| 38. | SAM<br>Chhal Sub Area,<br>PO : Chhal,<br>Distt : Raigarh (CG)  | All the premises belonging to South Eastern Coalfields Limited and forming part of Chhal Sub Area of Raigarh Area, spread over in the District Raigarh situated in the State of Chhatisgarh.                       |
| 39. | SAM,<br>Barod Sub Area,<br>PO : Barod,<br>Distt : Raigarh (CG)   | All the premises belonging to South Eastern Coalfields Limited and forming part of Barod Sub Area of Raigarh Area, spread over in the District Raigarh situated in the State of Chhatisgarh.                       |
| 40. | Dy. CMO/MS,<br>Central Hospital, Manendragarh,<br>PO : Manendragarh,<br>Distt : Korea (CG) 497442.                           | All the premises belonging to South Eastern Coalfields Limited and forming part of Central Hospital, Manendragarh of Hasdeo Area, spread over in the District Korea situated in the State of Chhatisgarh.          |
| 41. | Dy. CME (Rescue),<br>SECL Mines Rescue Station,<br>Manendragarh Rly. Stn.<br>PO : Manendragarh<br>Distt : Korea (CG) 497442. | All the premises belonging to South Eastern Coalfields Limited and forming part of SECL Mines Rescue Station, Manendragarh of Hasdeo Area, spread over in the District Korea situated in the State of Chhatisgarh. |

| (1) | (2)   | (3)   |
|-----|---|---|
| 42. | Dy. General Manager/<br>Staff Officer (Mining),<br>Hasdeo Area,<br>PO : South Jhagrakhand colliery,<br>Manendragarh Rly. Stn.<br>Distt : Korea<br>Chhatis Garh. | All the premises belonging to South Eastern Coalfields Limited and forming part of Hasdeo Area, spread over the District Korea situated in the State of Chhatisgarh.  |
| 43. | SAM/AGENT,<br>Behrabandh Sub Area,<br>Rly. Stn. Bijuri SEC Railway,<br>PO : Behrabandh 484 440<br>Distt : Anuppur (MP).   | All the premises belonging to South Eastern Coalfields Limited and forming part of Behrabandh Sub Area of Hasdeo Area, spread over in the District Anuppur situated in the State of Madhya Pradesh.           |
| 44. | SAM/AGENT,<br>Kurja Sub Area,<br>Rly. Stn. Bijuri SEC Railway,<br>PO : Bijuri : 484 440<br>Distt : Anuppur (MP).  | All the premises belonging to South Eastern Coalfields Limited and forming part of Kurja Sub Area of Hasdeo Area, spread over in the District Anuppur situated in the State of Madhya Pradesh.                |
| 45. | SAM/AGENT,<br>Bijuri Sub Area,<br>Rly. Stn. Bijuri SEC Railway,<br>PO : Bijuri : 484 440<br>Distt : Anuppur (MP).   | All the premises belonging to South Eastern Coalfields Limited and forming part of Bijuri Sub Area of Hasdeo Area, spread over in the District Anuppur situated in the State of Madhya Pradesh.               |
| 46. | SAM/AGENT,<br>Rajnagar Sub Area, O.C.,<br>Rly. Stn. Bijuri SEC Railway,<br>PO : Rajnagar : 484 446<br>Distt : Anuppur (MP).                                     | All the premises belonging to South Eastern Coalfields Limited and forming part of Rajnagar Sub Area, OC of Hasdeo Area, spread over in the District Anuppur situated in the State of Madhya Pradesh.         |
| 47. | SAM/AGENT,<br>Rajnagar Sub Area,<br>Rly. Stn. Bijuri SEC Railway,<br>PO : Rajnagar : 484 446<br>Distt : Anuppur (MP).   | All the premises belonging to South Eastern Coalfields Limited and forming part of Ramnagar Sub Area of Hasdeo Area, spread over in the District Anuppur situated in the State of Madhya Pradesh.             |
| 48. | SAM/AGENT,<br>Ramnagar Sub Area,<br>Rly. Stn. Bijuri SEC Railway,<br>PO : Jhimmar Colliery : 484 446<br>Distt : Anuppur (MP).                                   | All the premises belonging to South Eastern Coalfields Limited and forming part of Ramnagar Sub Area of Hasdeo Area, spread over in the District Anuppur situated in the State of Madhya Pradesh.             |
| 49. | SAM/AGENT/PO<br>Jharkhand Sub Area,<br>Rly. Stn. Manendragarh SEC Railway,<br>PO : Rajnagar : 484 440<br>Distt : Korea Chhatisgarh                              | All the premises belonging to South Eastern Coalfields Limited and forming part of Jharkhand Sub Area of Hasdeo Area, spread over in the District Korea situated in the State of Madhya Pradesh. Chhatisgarh. |
| 50. | Dy. GM/SAM<br>Kusmunda OCP,<br>PO : Kusmunda Colliery,<br>Distt : Korba (CG). 495 454   | All the premises belonging to South Eastern Coalfields Limited and forming part of Kusmunda OCP of Kusmunda Area, spread over in the District Korba situated in the State of Chhatisgarh.                     |
| 51. | Dy. GM/SAM<br>Laxman OCP,<br>PO : Kusmunda Colliery,<br>Distt : Korba (CG). 495 454   | All the premises belonging to South Eastern Coalfields Limited and forming part of Laxman OCP Kusmunda Area, spread over in the District Korba situated in the State of Chhatisgarh.                          |

| (1) | (2)  | (3)   |
|-----|--|---|
| 52. | Staff Officer project and Planning<br>Kusmunda Area,<br>PO: Kusmunda Colliery,<br>Distt: Korba (CG). 495 454                                     | All the premises belonging to South Eastern Coalfields Limited and forming part of Kusmunda Area, spread over in the District Korba situated in the State of Chhatisgarh.                                     |
| 53. | Sub Area Manager,<br>Chirimiri UG Sub Area,<br>PO: Chirimiri Colliery,<br>Thana- Chirimiri,<br>Tah: Manendragarh,<br>Distt: Korea (CG).          | All the premises belonging to South Eastern Coalfields Limited and forming part of Chirimiri UG Sub Area, of Chirimiri Area, spread over in the District Korea situated in the State of Chhatisgarh.          |
| 54. | Sub Area Manager,<br>Chirimiri UG Sub Area,<br>PO: Chirimiri Colliery,<br>Thana- Chirimiri,<br>Tah: Manendragarh,<br>Distt: Korea (CG).          | All the premises belonging to South Eastern Coalfields Limited and forming part of Chirimiri OC Sub Area, of Chirimiri Area, spread over in the District Korea situated in the State of Chhatisgarh.          |
| 55. | Sub Area Manager,<br>Kurasia Sub Area,<br>PO: Godri Para,<br>Thana-Chirimiri,<br>Tah: Manendragarh,<br>Distt: Korea (CG).                        | All the premises belonging to South Eastern Coalfields Limited and forming part of Kurasia Sub Area, Chirimiri Area, spread over in the District Korea situated in the State of Chhatisgarh.                  |
| 56. | Sub Area Manager,<br>North Chirimiri,<br>Duman Hill Sub Area,<br>PO: Duman Hill,<br>Thana-Chirimiri,<br>Tah: Manendragarh,<br>Distt: Korea (CG). | All the premises belonging to South Eastern Coalfields Limited and forming part of Duman Hill Sub Area, of Chirimiri Area, spread over in the District Korea situated in the State of Chhatisgarh.            |
| 57. | Sub Area Manager,<br>West Chirimiri-Korea Sub Area,<br>PO: West Chirimiri,<br>Thana- Pondi, Tah: Manendragarh,<br>Distt: Korea (CG).             | All the premises belonging to South Eastern Coalfields Limited and forming part of West Chirimiri-Korea Sub Area, of Chirimiri Area, spread, over in the District Korea situated in the State of Chhatisgarh. |
| 58. | Sub Area Manager,<br>NCPH Sub Area,<br>PO: Haldi Badi,<br>Thana- Chirimiri,<br>Tah: Manendragarh,<br>Distt: Korea (CG).                          | All the premises belonging to South Eastern Coalfields Limited and forming part of NCPH Sub Area, of Chirimiri Area, spread over in the District Korea situated in the State of Chhatisgarh.                  |
| 59. | Sub Area Manager,<br>Rani Atari Sub Area,<br>PO: Putipakhna,<br>Thana- Pasan,<br>Tah: Katghora,<br>Distt: Korea (CG).                            | All the premises belonging to South Eastern Coalfields Limited and forming part of Rani Atari Sub Area of Chirimiri Area, spread over in the District Korba situated in the State of Chhatisgarh.             |
| 60. | Staff Officer (Mining),<br>CGM Office, Chirimiri Area,<br>PO: West Chirimiri,<br>Thana- Pondi,<br>Tah: Manendragarh,<br>Distt: Korea (CG).       | All the premises belonging to South Eastern Coalfields Limited and forming part of CGM Office of Chirimiri Area, spread over in the District Korea situated in the State of Chhatisgarh.                      |

| (1) | (2)   | (3)  |
|-----|---|--|
| 61. | Chief Medical Officer,<br>Regional Hospital Kurasia,<br>PO: Godri Para,<br>Thana-Chirimiri,<br>Tah: Manendragarh,<br>Distt: Korea (CG).                       | All the premises belonging to South Eastern Coalfields Limited and forming part of Regional Hospital Kurasia, of Chirimiri Area, spread over in the District Korba situated in the State of Chhatisgarh.         |
| 62. | Dy. General Manager/Area<br>Planning Officer,<br>SECL Bishrampur Area,<br>Rly. Station Bishrampur<br>P.O. Bishrampur Colliery<br>Distt. Surguja (Chhatisgarh) | All the premises belonging to South Eastern Coalfields Limited and forming part of CGM Office of Bishrampur Area, spread over in the District Surguja situated in the State of Chhatisgarh.                      |
| 63. | Sub Area Manager,<br>Kumda Sub Area,<br>Rly. Station Bishrampur<br>P.O. Bishrampur Colliery<br>Distt: Surguja (Chhatisgarh)                                   | All the premises belonging to South Eastern Coalfields Limited and forming part of Kumda Sub Area of Bishrampur Area, spread over in the District Surguja situated in the State of Chhatisgarh.                  |
| 64. | Sub Area Manager,<br>Rehar-Gayatri-Jainagar Sub Area,<br>Rly. Station Bishrampur<br>P.O. Bishrampur Colliery<br>Distt: Surguja (Chhatisgarh)                  | All the premises belonging to South Eastern Coalfields Limited and forming part of Rehar-Gayatri-Jainagar Sub Area, of Bishrampur Area Spread over in the District Surguja situated in the State of Chhatisgarh. |
| 65. | Sub Area Manager,<br>Bishrampur O.C. Sub Area,<br>Rly. Station Bishrampur<br>P.O. Bishrampur Colliery<br>Distt: Surguja (Chhatisgarh)                         | All the premises belonging to South Eastern Coalfields Limited and forming part of Bishrampur O.C. Sub Area, of Bishrampur Area, spread over in the District Surguja situated in the State of Chhatisgarh.       |
| 66. | Sub Area Manager,<br>Amera Sub Area,<br>Rly. Station Bishrampur<br>P.O. Bishrampur Colliery<br>Distt: Surguja (Chhatisgarh)                                   | All the premises belonging to South Eastern Coalfields Limited and forming part of Amera Sub Area, of Bishrampur Area, spread over in the District Surguja situated in the State of Chhatisgarh.                 |
| 67. | Dy. General Manager (MP&W),<br>SECL Headquarters,<br>P.O. SECL Seepat Road,<br>PO: Bilaspur (CG) 495 006.   | All the premises belonging to South Eastern Coalfields Limited and forming part of SECL Hqrs. of SECL Bilaspur, spread over in the District Bilaspur situated in the State of Chhatisgarh.                       |
| 68. | Town Administrator,<br>SECL Headquarters,<br>P.O. SECL Seepat Road,<br>PO: Bilaspur (CG)-495 006.   | All the premises belonging to South Eastern Coalfields Limited and forming part of SECL Hqrs. of SECL Bilaspur, spread over in the District Bilaspur situated in the State of Chhatisgarh.                       |
| 69. | Chief General Manager,<br>Dhankuni Coal Complex,<br>P.O. Dhankuni<br>Distt: Hugli (WB).   | All the premises belonging to South Eastern Coalfields Limited and forming part of Dhankuni Coal Complex spread over in the District Hugli situated in the State of West Bengal.                                 |

**NOTE:** All premises belonging to various Areas/Units/Establishments includes other premises, residential and non-residential buildings belonging to or under the control of South Eastern Coalfields Limited, Bilaspur (CG).

[No. 43022/1/2003-PRIW]

M. SHAI BUDDIN, Under Secy.

नई दिल्ली, 28 मार्च, 2008

क्र. अ. 751.—केंद्रीय सरकार को यह प्रतीत होता है कि इससे उपायधन अनुसूची में उल्लिखित परिसरों की भूमि में कोयला अभिप्राप्त किए जाने की संभावना है;

अतः अब, केंद्रीय सरकार, कोयला धारक क्षेत्र (अर्जन और विकास) अधिनियम, 1957 (1957 का 20) (जिसे इसमें इसके पश्चात् उक्त अधिनियम कहा गया है) की धारा 4 की उपधारा (1) द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए, उस क्षेत्र में कोयले के लिए पूर्वसूचना देने के अपने आशय की सूचना देती है;

इस अधिसूचना के अंतर्गत आने वाले क्षेत्र के रेखांक सं. डीजी/8669 तारीख 14 नवम्बर, 2007 का निरीक्षण महाप्रबंधक (गवेषण प्रभाग), सेंट्रल माइन प्लानिंग एण्ड डिजाइन इंस्टीट्यूट, गोंदवाना प्लेस, कॉक रोड, रांची के कार्यालय में या कोयला नियंत्रक, 1, काउंसिल हाऊस स्ट्रीट, कोलकाता के कार्यालय में या जिला कलेक्टर, जिला रायगढ़, छत्तीसगढ़ के कार्यालय में किया जा सकता है।

इस अधिसूचना के अंतर्गत आने वाली भूमि में हितवन्ध सभी व्यक्ति उक्त अधिनियम की धारा 13 की उपधारा (7) में निर्दिष्ट सभी नक्शों चाटों और अन्य दस्तावेजों को इस अधिसूचना के राजपत्र में प्रकाशन की तारीख से नब्बे दिन के भीतर महाप्रबंधक (गवेषण प्रभाग), सेंट्रल माइन प्लानिंग एण्ड डिजाइन इंस्टीट्यूट, गोंदवाना प्लेस, कॉक रोड, रांची को भेजेंगे।

## अनुसूची

स्यांग सेंट्रल ईस्ट "ए" ब्लॉक, मांद रायगढ़, कोयला क्षेत्र

जिला-रायगढ़ (छत्तीसगढ़)

रेखांक सं. डीजी/8669 तारीख 14 नवम्बर, 2007

## सभी अधिकार

| क्रम सं. | ग्राम     | थाना/<br>तहसील         | ग्राम<br>संख्या | जिला   | क्षेत्रफल (एकड़<br>में लगभग) | क्षेत्रफल (हेक्टर में<br>लगभग) | टिप्पणी |
|----------|-----------|------------------------|-----------------|--------|------------------------------|--------------------------------|---------|
| 1        | 2         | 3                      | 4               | 5      | 6                            | 7                              | 8       |
| 1.       | डोंगुरडीह | कोरवा                  | 523500          | रायगढ़ | 456.0                        | 184.5                          | भाग     |
| 2.       | सुदमा     | करतला                  | 324300          | रायगढ़ | 1795.0                       | 726.5                          | भाग     |
| 3.       | सरसा देवा | कोरवा                  | 525200          | रायगढ़ | 297.0                        | 120.5                          | भाग     |
| 4.       | बोरो      | धमराजगढ़               | 321600          | रायगढ़ | सुदमा गांव में<br>शामिल      | -                              | भाग     |
| 5.       | वनक्षेत्र | सुरक्षित वन<br>क्षेत्र |                 | रायगढ़ | 188.0                        | 76.0                           | भाग     |
| कुल      |           |                        |                 |        | 2736.0<br>(लगभग)             | 1107.5<br>(लगभग)               |         |

## सीमा वर्णन:

- क-ख रेखा (लाइन) स्यांग गांव के "क" बिन्दु से आरंभ होती है, और वन सीमा के किनारे बिन्दु "ख" पर मिलती है।  
 ख-ग रेखा (लाइन), बोरो ग्राम के पश्चिमी छोर से गुजरती हुई तथा डोंगुरडीह गांव के पूर्वी किनारे के "ग" बिन्दु पर मिलती है।  
 ग-घ रेखा डोंगुरडीह गांव से गुजरती हुई बिन्दु "घ" पर मिलती है।  
 घ-क रेखा डोंगुरडीह गांव से गुजरती हुई स्यांग गांव के बिन्दु "क" पर मिल जाती है।

[फा. सं. 43015/3/2008-पीआरआईडब्ल्यू-1]

एम. राहाबुद्दीन, अवर सचिव

New Delhi, the 28th March, 2008

S.O. 751.—Whereas it appears to the Central Government that Coal is likely to be obtained from the lands in the locality mentioned in the Schedule hereto annexed;

Now, therefore, in exercise of the powers conferred by sub-section (1) of Section 4 of the Coal Bearing Areas (Acquisitions and Development) Act, 1957 (20 of 1957) (hereinafter referred to as the said Act), the Central Government hereby given notice of its intention to prospect for coal therein;

The plan number DG/8669 dated the 14th November 2007 of the area covered by this notification can be inspected at the office of General Manager (Exploration Division), Central Mine Planning and Design Institute, Gondwana Place, Kanke Road, Ranchi or at the office of the Coal Controller, 1, Council House Street, Kolkata or at the office of the District Collector, District Raigarh, Chhattisgarh.

All persons interested in the land covered by this notification shall deliver all maps, charts and other documents referred in sub-section (7) of section 13 of the said Act to the General Manager (Exploration Division), Central Mine Planning and Design Institute, Gondwana Place, Kanke Road, Ranchi within ninety days from the date of publication of this notification in the official Gazette.

#### SCHEDULE

##### SYANG CENTRAL-A BLOCK,

Mand Raigarh Coalfield, Distt. Raigarh, Chhattisgarh

Plan bearing number DG/8669 dated the 14th November 2007

#### All Rights

| Sl. No.      | Village    | Thana/<br>Tehsil  | Village<br>No. | District | Area in (Acres<br>Approx)        | Area in (Hectares<br>Approx)     | Remarks |
|--------------|------------|-------------------|----------------|----------|----------------------------------|----------------------------------|---------|
| 1            | 2          | 3                 | 4              | 5        | 6                                | 7                                | 8       |
| 1.           | Dhengurdih | Korba             | 523500         | Raigarh  | 456.0                            | 184.5                            | Part    |
| 2.           | Shudma     | Kartala           | 524300         | Raigarh  | 1795.0                           | 726.5                            | Part    |
| 3.           | Sarsadewa  | Korba             | 525200         | Raigarh  | 297.0                            | 120.5                            | Part    |
| 4.           | Boro       | Dharamjai<br>Garh | 321600         | Raigarh  | include in Shudma village        |                                  | Part    |
| 5.           | Forest     |                   |                | Raigarh  | 188.0                            | 76.0                             | Part    |
| <b>Total</b> |            |                   |                |          | <b>2736.0</b><br>(Approximately) | <b>1107.5</b><br>(Approximately) |         |

#### BOUNDARY DESCRIPTION

- A-B:- The line start at point 'A' in village Sayang and meets point 'B' on the edge of forest boundary.  
 B-C:- The line passes through western part of village Boro and meets point 'C' on the edge of eastern part of village Dengurdih.  
 C-D:- The line passes through Dhengurdih village and meets point 'D'.  
 D-A:- The line passes through village Dhengurdih and meets point 'A' in village Sayang.

[F. No. 43015/03/2008-PR1W-I]

M. SHAHABUDEEN, Under Secy.

नई दिल्ली, 28 मार्च, 2008

का. आ. 752.—केन्द्रीय सरकार को यह प्रतीत होता है कि इससे उपाबद्ध अनुसूची में उल्लिखित परिक्षेत्र की भूमि में कोयला अभिप्राप्त किए जाने की संभावना है;

अतः अब, केन्द्रीय सरकार, कोयला धारक क्षेत्र (अर्जन और विकास) अधिनियम, 1957 (1957 का 20) (जिसे इसमें इसके पश्चात उक्त अधिनियम कहा गया है) की धारा 4 की उपधारा (1) द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए, उस क्षेत्र में कोयले के लिए पूर्वक्षण करने के अपने आशय की सूचना देती है;

इस अधिसूचना के अंतर्गत आने वाले क्षेत्र के रेखांक सं. डी.जी./8668 तारीख 14 नवम्बर, 2007 का निरीक्षण महाप्रबंधक (गवेषण प्रभाग), सेंट्रल माइन प्लानिंग एण्ड डिजाइन इंस्टीच्यूट, गोंदवाना प्लेस, कांके रोड, रांची के कार्यालय में या कोयला नियंत्रक, 1, कार्डसिल हाऊस स्ट्रीट, कोलकाता के कार्यालय में या जिला कलेक्टर, जिला रायगढ़, छत्तीसगढ़ के कार्यालय में किया जा सकता है।

इस अधिसूचना के अंतर्गत आने वाली भूमि में हितबद्ध सभी व्यक्ति उक्त अधिनियम की धारा 13 की उपधारा (7) में निर्दिष्ट सभी नक्शों, चाटों और अन्य दस्तावेजों को इस अधिसूचना के राजपत्र में प्रकाशन की तारीख से नब्बे दिन के भीतर महाप्रबंधक (गवेषण प्रभाग), सेंट्रल माइन प्लानिंग एण्ड डिजाइन इंस्टीच्यूट, गोंदवाना प्लेस, कांके रोड, रांची को भेजेंगे।

## अनुसूची

स्यांग ईस्ट "ख" ब्लॉक, मांद रायगढ़, कोयला क्षेत्र

जिला-रायगढ़ (छत्तीसगढ़)

रेखांक सं. डीजी/8668 तारीख 14 नवम्बर, 2007

## सभी अधिकार

| क्रम सं. | ग्राम     | थाना/<br>तहसील      | ग्राम<br>संख्या | जिला   | क्षेत्रफल (एकड़<br>में लगभग) | क्षेत्रफल (एकड़ में<br>लगभग) | टिप्पणी |
|----------|-----------|---------------------|-----------------|--------|------------------------------|------------------------------|---------|
| 1        | 2         | 3                   | 4               | 5      | 6                            | 7                            | 8       |
| 1.       | सिरका     | धरमजयगढ़            | 321500          | रायगढ़ | 1081.0                       | 437.5                        | भाग     |
| 2.       | बोरो      | धरमजयगढ़            | 321600          | रायगढ़ | 1041.0                       | 421.5                        | भाग     |
| 3.       | वनक्षेत्र | सुरक्षित वन क्षेत्र |                 | रायगढ़ | 852.0                        | 345.0                        | भाग     |
| कुल      |           |                     |                 |        | 2974.0<br>(लगभग)             | 1204.5<br>(लगभग)             |         |

## सीमा वर्णन:

- क-ख रेखा (लाइन) बोरो गांव के "क" बिन्दु से आरंभ होती है, और वन के पूर्वी भाग में बिन्दु "ख" पर मिलती है।  
 ख-ग रेखा (लाइन), जंगल के पश्चिमी छोर से गुजरती हुई "ग" बिन्दु पर सिरका गांव के पूर्वी किनारे पर मिलती है।  
 ग-घ रेखा माला के किनारे से गुजरती हुई बिंदु "घ" पर वन के किनारे सिरका गांव के उत्तर पश्चिम भाग में मिलती है।  
 घ-क रेखा वन से गुजरती हुई बिंदु "क" पर वापस मिल जाती है।

[फा. सं. 43015/2/2008-पीआरआईडब्ल्यू-1]

एम. शाहबुद्दीन, अवर सचिव

New Delhi, the 28th March, 2008

S.O. 752.—Whereas it appears to the Central Government that Coal is likely to be obtained from the lands in the locality mentioned in the Schedule hereto annexed;

Now, therefore, in exercise of the powers conferred by sub-section (1) of section 4 of the Coal Bearing Areas (Acquisitions and Development) Act, 1957 (20 of 1957) (hereinafter referred to as the said Act), the Central Government hereby given notice of its intention to prospect for coal therein;

The plan number DG/8668 dated the 14th November 2007 of the area covered by this notification can be inspected at the office of General Manager (Exploration Division), Central Mine Planning and Design Institute, Gondwana Place, Kanke Road, Ranchi or at the office of the Coal Controller, 1, Council House Street, Kolkata or at the office of the District Collector, District Raigarh, Chhattisgarh.

All persons interested in the land covered by this notification shall deliver all maps, charts and other documents referred in sub-section (7) of section 13 of the said Act to the General Manager (Exploration Division), Central Mine Planning and Design Institute, Gondwana Place, Kanke Road, Ranchi withing ninety days from the date of publication of this notification in the official Gazette.

## SCHEDULE

## SYANG EAST-B BLOCK,

Mand Raigarh Coalfield, Distt. Raigarh, Chhattisgarh

Plan bearing number DG/8668 dated the 14th November 2007

## All Rights

| Sl. No. | Village | Thana/<br>Tehsil | Village<br>No. | District | Area in (Acres<br>Approx) | Area in (Hectares<br>Approx) | Remarks |
|---------|---------|------------------|----------------|----------|---------------------------|------------------------------|---------|
| 1       | 2       | 3                | 4              | 5        | 6                         | 7                            | 8       |
| 1.      | Sirka   | Dharamjai Garh   | 321500         | Raigarh  | 1081.0                    | 437.5                        | Part    |
| 2.      | Boro    | Dharamjai Garh   | 321600         | Raigarh  | 1041.0                    | 421.0                        | Part    |

| 1     | 2      | 3 | 4       | 5                         | 6                         | 7    | 8 |
|-------|--------|---|---------|---------------------------|---------------------------|------|---|
| 3.    | Forest |   | Raigarh | 852.0                     | 345.0                     | Part |   |
| Total |        |   |         | 2974.0<br>(Approximately) | 1204.0<br>(Approximately) |      |   |

**BOUNDARY DESCRIPTION**

- A-B:- The line start at point 'A' in village Boro and meets point 'B' Eastern part of the forest.
- B-C:- The line passes through western part of the forest and meets point 'C' on the edge of north eastern part of village Sirka.
- C-D:- The line passes along the bank of Mala and meets point 'D' in the north western part of village Sirka on the edge of forest.
- D-A:- The line passes through in the forest and meets point 'A'.

[F.No.43015/02/2008-PRIW-I]  
M. SHAHABUDEEN, Under Secy.

नई दिल्ली, 28 मार्च, 2008

का. आ. 753.—केन्द्रीय सरकार को यह प्रतीत होता है कि इससे उपाखण्ड अनुसूची में उल्लिखित परिक्षेत्र की भूमि में कोयला अभिप्राप्त किए जाने की संभावना है;

अतः अब, केन्द्रीय सरकार, कोयला धारक क्षेत्र (अर्जन और विकास) अधिनियम, 1957 (1957 का 20) की धारा 4 की उपधारा (1) द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए, उस क्षेत्र में कोयले के लिए पूर्वेक्षण करने के अपने आशय की सूचना देती है:-

इस अधिसूचना के अंतर्गत आने वाले क्षेत्र के रेखांक संख्याक एनईसी/एल एंड आर/जागुन/01 तारीख 2 जनवरी, 2003 का निरीक्षण महाप्रबंधक, नार्थ ईस्टर्न कोलफील्ड्स, कोल इंडिया लिमिटेड, पो.आ. मार्घेरिटा, जिला तिनसुकिया, राज्य असम के कार्यालय में या कोयला नियंत्रक, 1, कार्लिसिल हाऊस स्ट्रीट, कोलकाता के कार्यालय में या उपायुक्त जिला तिनसुकिया, असम के कार्यालय में किया जा सकता है।

इस अधिसूचना के अंतर्गत आने वाली भूमि में हितबद्ध सभी व्यक्ति उक्त अधिनियम की धारा 13 की उपधारा (7) में निर्दिष्ट सभी रेखांक चाटों और अन्य दस्तावेजों को इस अधिसूचना के राजपत्र में प्रकाशन की तारीख से नब्बे दिन के भीतर महाप्रबंधक, नार्थ ईस्टर्न कोलफील्ड्स, कोल इंडिया लिमिटेड, पो. आ. मार्घेरिटा, जिला तिनसुकिया, असम को भेजेंगे।

**अनुसूची**

जागुन ब्लॉक, उपमंडल मार्घेरिटा,

जिला-तिनसुकिया, असम

(रेखांक संख्या: एनईसी/एल एंड आर/जागुन/01, तारीख 2 जनवरी, 2003)

**सभी अधिकार**

| क्रम सं. | भंडार वाले वन | थाना  | जिला      | क्षेत्र (एकड़) | क्षेत्र (हैक्टे.) | टिप्पणियां |
|----------|---------------|-------|-----------|----------------|-------------------|------------|
| 1        | 2             | 3     | 4         | 5              | 6                 | 7          |
| 1.       | नामफाई        | जागुन | तिनसुकिया | 543            | 220               | भाग        |
| 2.       | तिनकोपानी     | जागुन | तिनसुकिया | 692            | 280               | भाग        |
| कुल      |               |       |           | 1235           | 500               |            |

**सीमा वर्णन:**

- क-ख रेखा "क" से आरंभ होती है, और जागुन-मिआठ रोड के समानान्तर पूरब की ओर से होकर गुजरती है तथा बिन्दु "ख" पर नामचिक नदी के निकट मिलती है।
- ख-ग रेखा नामचिक नदी (जलधारा की प्रतिकूल दिशा) के किनारे पूरब की ओर से गुजरती है और बिन्दु "ग" पर मिलती है।
- ग-घ रेखा नामफाई भंडार वन से दक्षिण की ओर नामचिक नदी के किनारे से गुजरती है और तिनकोपानी भंडार वन के बिन्दु "घ" पर आगे दक्षिण में मिलती है।



- घ-ङ रेखा, तिनकोपानी भंडार वन से होकर पश्चिम की ओर से गुजरती है और बिन्दु "ङ" पर मिलती है।  
 द-च रेखा तिनकोपानी भंडार वन से गुजरती है और बिन्दु "च" पर मिलती है।  
 च-क रेखा उत्तर की ओर से गुजरती है और जागुन मियाड रोड के निकट बिन्दु "क" पर मिलती है।

[संख्या 43015/1/2007-पी आर आई डब्ल्यू-1]

एम. शाहाबुद्दीन, अवर सचिव

New Delhi, the 28th March, 2008

S.O. 753.—Whereas it appears to the Central Government that Coal is likely to be obtained from the lands in the locality mentioned in the Schedule hereto annexed;

Now, therefore, in exercise of the powers conferred by sub-section (1) of section 4 of the Coal Bearing Areas (Acquisitions and Development) Act, 1957 (20 of 1957) (hereinafter referred to as the said Act), the Central Government hereby gives notice of its intention to prospect for coal therein;

The plan bearing number NEC/L&R/JAGUN/01 dated 2nd January, 2003 of the area covered by this notification can be inspected at the office of General Manager North Eastern Coalfields, Coal India Limited, P.O. Margherita, District Tinsukia, Assam or at the office of the Coal Controller, 1, Council House Street, Kolkata or at the office of the Deputy Commissioner, District Tinsukia, Assam.

All persons interested in the land covered by this notification shall deliver all maps, charts and other documents referred in sub-section (7) of section 13 of the said Act to the General Manager North Eastern Coalfields, Coal India Limited, P.O. Margherita, District Tinsukia, Assam within ninety days from the date of publication of this notification in the Official Gazette.

**SCHEDULE****JAGUN BLOCK**

Sub-Division, Margherita, District Tinsukia, Assam

Plan bearing number NEC/L&amp;R/JAGUN/01, dated 2nd January, 2003

**All Rights**

| Sl. No.      | Name of Reserve Forest | Thana | District | Area in Acres | Area in Hectares | Remarks |
|--------------|------------------------|-------|----------|---------------|------------------|---------|
| 1            | 2                      | 3     | 4        | 5             | 6                | 7       |
| 1.           | Namphai                | Jagun | Tinsukia | 543           | 220              | Part    |
| 2.           | Tinkipani              | Jagun | Tinsukia | 692           | 280              | Part    |
| <b>Total</b> |                        |       |          | <b>1235</b>   | <b>500</b>       |         |

**BOUNDARY DESCRIPTION**

- A-B:- Line Starts from 'A' passes towards East Parallel to the Jagun-Miao Road and meets at point 'B' near Namchik River.  
 B-C:- Line passes along the Bank of Namchik River (Upstream) towards East and meets at point 'C'.  
 C-D:- Line passes along the bank of Namchik river towards South through Namphai Reserve Forest and meets further south at point 'D' of Tinkopani Reserve Forest.  
 D-E:- Line passes towards West through Tinkopani Reserve Forest and meets at point 'E'.  
 E-F:- Line passes through the Tinkopani Reserve Forest and meets at point 'F'.  
 F-A:- Line passes towards North and meet at point 'A' near the Jagun Miao Road.

[F. No. 43015/01/2007-PR1W-I]

M. SHAHABUDEEN, Under Secy.

## पेट्रोलियम और प्राकृतिक गैस मंत्रालय

नई दिल्ली, 31 मार्च, 2008

का. आ. 754.—भारत सरकार ने पेट्रोलियम और प्राकृतिक गैस मंत्रालय के का.आ. 2599 दिनांक 10.09.2007, द्वारा पेट्रोलियम और खनिज पाइपलाइन्स (भूमि में उपयोग के अधिकार का अर्जन) अधिनियम, 1962 (1962 का 50) (जिसे उसके पश्चात् उक्त अधिनियम कहा जायेगा) की धारा 3(1) के अधीन अधिसूचना प्रकाशित कर, दादरी (उत्तरप्रदेश राज्य में) से पानीपत (हरियाणा राज्य में) तक, प्राकृतिक गैस के परिवहन के लिए इंडियन ऑयल कॉर्पोरेशन लिमिटेड द्वारा "आर.-एल.एन.जी. स्पर पाइपलाइन" के सम्बन्ध में उक्त अधिसूचना से संलग्न अनुसूची में निर्दिष्ट तहसील मोदीनगर जिला गजियाबाद (उत्तरप्रदेश राज्य) की भूमि में उपयोग के अधिकार के अर्जन के अपने आशय की घोषणा की थी,

और, उक्त अधिसूचना की प्रतियां जनता को दिनांक 03.12.2007 को उपलब्ध करा दी गई थी,

और, उक्त अधिनियम की धारा 6 की उपधारा (1) के अनुसरण में सक्षम प्राधिकारी ने भारत सरकार को अपनी रिपोर्ट दे दी है।

और, भारत सरकार ने उक्त रिपोर्ट पर विचार करने के पश्चात् इस अधिसूचना से उपाबद्ध अनुसूची में उपयोग का अधिकार अर्जित करने का विनिश्चय किया है।

अतः, अब, भारत सरकार उक्त अधिनियम की धारा 6 की उपधारा (1) द्वारा प्रदत्त शक्तियों का प्रयोग करते हुये घोषणा करती है कि इस अधिसूचना से उपाबद्ध अनुसूची में विनिर्दिष्ट भूमि में पाइपलाइन बिछाने के उपयोग का अधिकार अर्जित किया जाता है।

और, भारत सरकार उक्त अधिनियम की धारा 6 की उपधारा (4) द्वारा प्रदत्त शक्तियों का प्रयोग करते हुये यह निर्देश देती है कि उक्त भूमि में उपयोग का अधिकार भारत सरकार में निहित होने की बजाय सभी विल्लंगनों से मुक्त होकर इंडियन ऑयल कॉर्पोरेशन लिमिटेड में निहित होगा।

### अनुसूची

| तहसील : मोदीनगर   | जिला : गजियाबाद | राज्य : उत्तर प्रदेश |     |          |
|-------------------|-----------------|----------------------|-----|----------|
| गाँव का नाम       | खसरा संख्या     | क्षेत्रफल            |     |          |
|                   |                 | हेक्टेयर             | एयर | वर्गमीटर |
| 1                 | 2               | 3                    | 4   | 5        |
| 1. बसन्तपुर सैतली | 521             | 0                    | 03  | 00       |

[फा. सं. एल-14014/29/2006-जी. पी.]

कं. के. शर्मा, अवर सचिव

## Ministry of Petroleum and Natural Gas

New Delhi, the 31st March, 2008

**S. O. 754.**—Whereas by notification of Government of India, Ministry of Petroleum and Natural Gas, published in the Gazette of India vide number S.O. 2599 dated the 10<sup>th</sup> September 2007, issued under sub-section (1) of Section 3 of the Petroleum and Minerals Pipelines (Acquisition of Right of User in Land) Act, 1962 (50 of 1962), (hereinafter referred to as the said Act), the Government of India declared its intention to acquire the right of user in the land specified in the Schedule appended to this notification for the purpose of laying pipeline for the transportation of Natural Gas from Dadri in the state of Uttar Pradesh to Panipat in the state of Haryana by the Indian Oil Corporation Limited for implementing the "R-LNG Spur pipeline from Dadri to Panipat" in Tehsil Modinagar, District Ghaziabad, in Uttar Pradesh State;

And whereas, copies of the said gazette notification were made available to the public on 03.12.2007.

And whereas, the Competent Authority has under sub-section (1) of Section 6 of the said Act, submitted his report to the Government of India.

And whereas, the Government of India after considering the said report is satisfied that the right of user in the land specified in the Schedule appended to this notification should be acquired;

Now, therefore, in exercise of the powers conferred by sub-section (1) of Section 6 of the said Act, the Government of India hereby declares that the right of user in the land specified in the Schedule appended to this notification is acquired;

And further, in exercise of the powers conferred by sub-section (4) of Section 6 of the said Act, the Government of India hereby directs that the right of users in the said land shall instead of vesting in the Government of India, vest from the date of publication of this declaration, in Indian Oil Corporation Limited free from all encumbrances.

### SCHEDULE

| Tehsil : Modinagar   |            | District : Ghaziabad |     | State : Uttar Pradesh |  |
|----------------------|------------|----------------------|-----|-----------------------|--|
| Name of Village      | Khasra No. | Area                 |     |                       |  |
|                      |            | Hectare              | Are | Square Meter          |  |
| 1                    | 2          | 3                    | 4   | 5                     |  |
| 1. BASANTPUR SAINTLI | 521        | 0                    | 03  | 00                    |  |

[F. No. L-14014/28/2006-G.P.]  
K. K. SHARMA, Under Secy.

नई दिल्ली, 31 मार्च, 2008

का. आ. 755.—भारत सरकार ने पेट्रोलियम और प्राकृतिक गैस मंत्रालय के का.आ. 2598 दिनांक 10.09.2007, द्वारा पेट्रोलियम और खनिज पाइपलाइन्स (भूमि में उपयोग के अधिकार का अर्जन) अधिनियम, 1962 (1962 का 50) (जिसे उसके पश्चात् उक्त अधिनियम कहा जायेगा) की धारा 3(1) के अधीन अधिसूचना प्रकाशित कर, दादरी (उत्तरप्रदेश राज्य में) से पानीपत (हरियाणा राज्य में) तक, प्राकृतिक गैस के परिवहन के लिए इंडियन ऑयल कॉर्पोरेशन लिमिटेड द्वारा "आर.-एल.एन.जी. स्पर पाइपलाइन" के सम्बन्ध में उक्त अधिसूचना से संलग्न अनुसूची में निर्दिष्ट तहसील बड़ौत जिला बागपत (उत्तरप्रदेश राज्य) की भूमि में उपयोग के अधिकार के अर्जन के अपने आशय की घोषणा की थी,

और, उक्त अधिसूचना की प्रतियां जनता को दिनांक 03.12.2007 को उपलब्ध करा दी गई थी,

और, उक्त अधिनियम की धारा 6 की उपधारा (1) के अनुसरण में सक्षम प्राधिकारी ने भारत सरकार को अपनी रिपोर्ट दे दी है।

और, भारत सरकार ने उक्त रिपोर्ट पर विचार करने के पश्चात् इस अधिसूचना से उपाबद्ध अनुसूची में उपयोग का अधिकार अर्जित करने का विनिश्चय किया है।

अतः, अब, भारत सरकार उक्त अधिनियम की धारा 6 की उपधारा (1) द्वारा प्रदत्त शक्तियों का प्रयोग करते हुये घोषणा करती है कि इस अधिसूचना से उपाबद्ध अनुसूची में विनिर्दिष्ट भूमि में पाइपलाइन बिछाने के उपयोग का अधिकार अर्जित किया जाता है।

और, भारत सरकार उक्त अधिनियम की धारा 6 की उपधारा (4) द्वारा प्रदत्त शक्तियों का प्रयोग करते हुये यह निर्देश देती है कि उक्त भूमि में उपयोग का अधिकार भारत सरकार में निहित होने की बजाय सभी वित्त्वंगमों से मुक्त होकर इंडियन ऑयल कॉर्पोरेशन लिमिटेड में निहित होगा।

### अनुसूची

| तहसील : बड़ौत   | जिला : बागपत | राज्य : उत्तर प्रदेश |     |          |
|-----------------|--------------|----------------------|-----|----------|
| गाँव का नाम     | खसरा संख्या  | क्षेत्रफल            |     |          |
|                 |              | हेक्टेयर             | एयर | वर्गमीटर |
| 1               | 2            | 3                    | 4   | 5        |
| 1. कोताना बांगर | 269          | 0                    | 45  | 00       |
|                 | 438          | 0                    | 01  | 00       |
| 2. जागोस बांगर  | 182          | 0                    | 15  | 00       |

[फा. सं. एल-14014/30/2006-जी. पी.]

के. के. शर्मा, अवर सचिव

New Delhi, the 31st March, 2008

S. O. 755.—Whereas by notification of Government of India, Ministry of Petroleum and Natural Gas, published in the Gazette of India vide number S.O. 2598 dated the 10<sup>th</sup> September 2007, issued under sub-section (1) of Section 3 of the Petroleum and Minerals Pipelines (Acquisition of Right of User in Land) Act, 1962 (50 of 1962), (hereinafter referred to as the said Act), the Government of India declared its intention to acquire the right of user in the land specified in the Schedule appended to this notification for the purpose of laying pipeline for the transportation of Natural Gas from Dadri in the state of Uttar Pradesh to Panipat in the state of Haryana by the Indian Oil Corporation Limited for implementing the "R-LNG Spur pipeline from Dadri to Panipat" in Tehsil Baraut, District Baghpat, in Uttar Pradesh State;

And whereas, copies of the said gazette notification were made available to the public on 03.12.2007,

And whereas, the Competent Authority has under sub-section (1) of Section 6 of the said Act, submitted his report to the Government of India,

And whereas, the Government of India after considering the said report is satisfied that the right of user in the land specified in the Schedule appended to this notification should be acquired;

Now, therefore, in exercise of the powers conferred by sub-section (1) of Section 6 of the said Act, the Government of India hereby declares that the right of user in the land specified in the Schedule appended to this notification is acquired;

And further, in exercise of the powers conferred by sub-section (4) of Section 6 of the said Act, the Government of India hereby directs that the right of users in the said land shall instead of vesting in the Government of India, vest from the date of publication of this declaration, in Indian Oil Corporation Limited free from all encumbrances.

### SCHEDULE

| Tehsil : Baraut  |            | District : Baghpat |     | State : Uttar Pradesh |  |
|------------------|------------|--------------------|-----|-----------------------|--|
| Name of Village  | Khasra No. | Area               |     |                       |  |
|                  |            | Hectare            | Are | Square Meter          |  |
| 1                | 2          | 3                  | 4   | 5                     |  |
| 1. KOTANA BANGAR | 269        | 0                  | 45  | 00                    |  |
|                  | 438        | 0                  | 01  | 00                    |  |
| 2. JAGOS BANGAR  | 182        | 0                  | 15  | 00                    |  |

[F. No. L-14014/30/2006-G.P.]  
K. K. SHARMA, Under Secy.

नई दिल्ली, 31 मार्च, 2008

क्र. आ. 756.—भारत सरकार ने पेट्रोलियम और प्राकृतिक गैस मंत्रालय के का.आ. 2800 दिनांक 10.09.2007, द्वारा पेट्रोलियम और खनिज पाइपलाइन्स (भूमि में उपयोग के अधिकार का अर्जन) अधिनियम, 1962 (1962 का 50) (जिसे उसके पश्चात् उक्त अधिनियम कहा जायेगा) की धारा 3(1) के अधीन अधिसूचना प्रकाशित कर, दादरी (उत्तरप्रदेश राज्य में) से पानीपत (हरियाणा राज्य में) तक, प्राकृतिक गैस के परिवहन के लिए इंडियन ऑयल कॉर्पोरेशन लिमिटेड द्वारा "आर.-एल.एन.जी. स्पर पाइपलाइन" के सम्बन्ध में उक्त अधिसूचना से संलग्न अनुसूची में निर्दिष्ट तहसील खेकड़ा जिला बागपत (उत्तरप्रदेश राज्य) की भूमि में उपयोग के अधिकार के अर्जन के अपने आशय की घोषणा की थी,

और, उक्त अधिसूचना की प्रतियां जनता को दिनांक 03.12.2007 को उपलब्ध करा दी गई थी,

और, उक्त अधिनियम की धारा 6 की उपधारा (1) के अनुसरण में सक्षम प्राधिकारी ने भारत सरकार को अपनी रिपोर्ट दे दी है।

और, भारत सरकार ने उक्त रिपोर्ट पर विचार करने के पश्चात् इस अधिसूचना से उपाबद्ध अनुसूची में उपयोग का अधिकार अर्जित करने का विनिश्चय किया है।

अतः, अब, भारत सरकार उक्त अधिनियम की धारा 6 की उपधारा (1) द्वारा प्रदत्त शक्तियों का प्रयोग करते हुये घोषणा करती है कि इस अधिसूचना से उपाबद्ध अनुसूची में विनिर्दिष्ट भूमि में पाइपलाइन बिछाने के उपयोग का अधिकार अर्जित किया जाता है।

और, भारत सरकार उक्त अधिनियम की धारा 6 की उपधारा (4) द्वारा प्रदत्त शक्तियों का प्रयोग करते हुये यह निर्देश देती है कि उक्त भूमि में उपयोग का अधिकार भारत सरकार में निहित होने की बजाय सभी वित्तलंगमों से मुक्त होकर इंडियन ऑयल कॉर्पोरेशन लिमिटेड में निहित होगा।

### अनुसूची

| तहसील : खेकड़ा | जिला : बागपत | राज्य : उत्तर प्रदेश |     |          |
|----------------|--------------|----------------------|-----|----------|
| गाँव का नाम    | खसरा संख्या  | क्षेत्रफल            |     |          |
|                |              | हेक्टेयर             | एकर | वर्गमीटर |
| 1              | 2            | 3                    | 4   | 5        |
| 1. खैला        | 109          | 0                    | 09  | 00       |

[फा. स. एल-14014/30/2006-जी. पी.]

के. के. शर्मा, अवर सचिव

New Delhi, the 31st March, 2008

S. O. 756.—Whereas by notification of Government of India, Ministry of Petroleum and Natural Gas, published in the Gazette of India vide number S.O. 2600 dated the 10<sup>th</sup> September 2007, issued under sub-section (1) of Section 3 of the Petroleum and Minerals Pipelines (Acquisition of Right of User in Land) Act, 1962 (50 of 1962), (hereinafter referred to as the said Act), the Government of India declared its intention to acquire the right of user in the land specified in the Schedule appended to this notification for the purpose of laying pipeline for the transportation of Natural Gas from Dadri in the state of Uttar Pradesh to Panipat in the state of Haryana by the Indian Oil Corporation Limited for implementing the "R-LNG Spur pipeline from Dadri to Panipat" in Tehsil Khakra, District Baghpat, in Uttar Pradesh State;

And whereas, copies of the said gazette notification were made available to the public on 03.12.2007.

And whereas, the Competent Authority has under sub-section (1) of Section 6 of the said Act, submitted his report to the Government of India.

And whereas, the Government of India after considering the said report is satisfied that the right of user in the land specified in the Schedule appended to this notification should be acquired;

Now, therefore, in exercise of the powers conferred by sub-section (1) of Section 6 of the said Act, the Central Government hereby declares that the right of user in the land specified in the Schedule appended to this notification is acquired;

And further, in exercise of the powers conferred by sub-section (4) of Section 6 of the said Act, the Government of India hereby directs that the right of users in the said land shall instead of vesting in the Government of India, vest from the date of publication of this declaration, in Indian Oil Corporation Limited free from all encumbrances.

#### SCHEDULE

| Tehsil : Khakra | District: Baghpat | State: Uttar Pradesh |        |              |
|-----------------|-------------------|----------------------|--------|--------------|
| Name of Village | Khasra No.        | Area                 |        |              |
|                 |                   | Hectare              | ~ Acre | Square Meter |
| 1               | 2                 | 3                    | 4      | 5            |
| 1. Khaila       | 109               | 0                    | 09     | 00           |

[F. No. L-14014/30/2006-G.P.]

K. K. SHARMA, Under Secy.

श्रम एवं रोजगार मंत्रालय

नई दिल्ली, 7 मार्च, 2008

का.आ. 757.—औद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 17 के अनुसरण में, केन्द्रीय सरकार बैंक ऑफ इंडिया के प्रबंधन के संबद्ध नियोजकों और उनके कर्मचारों के बीच, अनुबंध में निर्दिष्ट औद्योगिक विवाद में केन्द्रीय सरकार औद्योगिक अधिकरण/श्रम न्यायालय, कानपुर के पंचाट (संदर्भ संख्या 43/99) को प्रकाशित करती है, जो केन्द्रीय सरकार को 5-3-2008 को प्राप्त हुआ था।

[सं. एल-12012/135/1998-आई आर (बी-II)]

राजिन्द्र कुमार, डेस्क अधिकारी

## MINISTRY OF LABOUR AND EMPLOYMENT

New Delhi, the 7th March, 2008

S.O. 757.—In pursuance of Section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the award (Ref. No.43/99) of the Central Government Indus. Tribunal-cum-Labour Court, Kanpur as shown in the Annexure, in the Industrial Dispute between the management of Bank of India, and their workmen, received by the Central Government on 5-3-2008.

[No. L-12012/135/1998-IR (B-II)]

RAJINDER KUMAR, Desk Officer

### ANNEXURE

BEFORE SRI R. G. SHUKLA PRESIDING OFFICER,  
CENTRAL GOVERNMENT INDUSTRIAL-  
TRIBUNAL-CUM-LABOUR COURT, KANPUR

Industrial Dispute No. 43 of 99

Sri R. K. Savita son of Sri Ram c/o Radhey Shyam  
Chaubey, 87/221 Acharya Nagar, Kanpur

AND

The Regional Manager  
Bank of India  
Jivan Bhawan LJC Building  
Sanjai Place, Agra.

### AWARD

1. Central Govt. MOL, New Delhi vide Notification No.L-12012/135/98/IR 'B-II' dated 4-3-99, has referred the following dispute for adjudication to this tribunal:

Whether the action of the management of Bank of India in terminating the services of Sh. R. K. Savita w.e.f. 16-4-97 is legal and justified and whether he is entitled for reinstatement with back wages and other consequential benefits? If not, to what relief he is entitled for?

2. The case of the workman in short is that the authorities of the opposite party bank are not competent to flout the statutory rules for their personal benefit or gain. It is further pleaded that the workman was continuously working at the vacant post of peon at branch

office Tirvaganj of the opposite party bank in District Farrukhabad w.e.f. 23-12-83 still he was being paid his wages on daily rate basis. Workman completed 240 days of continuous service and when he raised his demand for wages like regular and permanent employee of the bank he was assured by the concerned authorities of the bank that further action in his case will be taken in due course of time after consultation with the Central Office of the Bank. Workman has further pleaded that from the branch where he was working a regular employee by name Raj Kumar was transferred to some other branch and the services of the workman were utilized by the bank on the vacant post caused due to transfer of regular and permanent employee of the branch, still the workman was paid his wages on daily rate basis instead of making payment of wages at full scale wage like regular employee. The course adopted by the opposite party is unfair labour practice and with a view to vitimize the workman and discriminatory as well. The workman when started raising his continuous demand for making him regular and permanent employee and for regular pay before the authorities of the management, this act of the workman seriously annoyed them as a result of the same the services of the workman were dispensed with by the authorities of the bank w.e.f. 15-4-97 and that the workman had not been paid any notice, notice pay or retrenchment compensation by the bank at the time of termination of his services w.e.f. 16-4-97 which is utter disregard to the mandatory provisions of Industrial Disputes Act, 1947, and rules made there under despite the fact that the workman completed more than 240 days of continuous year during the intervening each calendar years. It is in gross violation of Sec. 25F of I.D. Act and on the basis of it has been prayed that the workman be reinstated in the service of the bank with full back wages and continuity of service together consequential benefits attached with the post.

3. The claim of the workman has been refuted by the opposite party bank vehemently on the ground that the workman was never appointed by the bank against any regular and permanent post of peon, that the workman was never subjected to any regular selection process; that the workman was never issued any appointment letter or termination letter by the bank and that in the absence of breach of service condition, it cannot be said that the action of the opposite party bank is bad in law. Therefore, on the basis of above it has been prayed by the bank that the claim of the workman is liable to be rejected.

4. Workman has also filed rejoinder in support of his claim petition but nothing new has been alleged therein except reiterating the facts already pleaded by him in claim petition.

5. After exchange of pleadings between the parties both parties oral as well as oral evidence in support of their claim and counter claim.

6. Heard the arguments at length and have perused the records of the case.



7. From the pleadings of the workman there is no dispute about the fact that the workman was a daily rated employee engaged by the opposite party bank without holding any selection process and without granting any appointment letter in favour of the workman. It is also the admitted position in the case that the workman has not disclosed the breach of service conditions applicable to him. If the same has not been pleaded or proved by the workman, he cannot be granted any protection of the provisions of Industrial Disputes Act, 1947, as the provisions of the Act cannot be read in isolation ignoring the service conditions applicable on the workman for the time being. Admittedly the workman was not governed by any of the service conditions applicable in the bank during the period of his casual or daily rated employment. Further Industrial Forums cannot be used as a measure for providing back door entry in the public employment on account of breach of provisions of Industrial disputes Act, 1947, unless it is pleaded and proved that the provisions of service conditions are in consistence with the provisions of the Act. Moreover, in view of the law laid down by the Hon'ble Supreme Court of India in leading case Smt. Uma Devi which apply with full swing to the facts and circumstances of the instant case, the workman cannot be held for any relief and his claim is liable to be rejected being devoid of merit, misleading and misconceived.

8. For the reasons discussed above, tribunal is of the opinion that there is neither any illegality in the action of the opposite party bank nor unjustifiability when workman was removed from the daily rated employment of the bank. Tribunal is also of the opinion that being daily rated casual employee he has no right or title to claim employment in the bank only on the ground of breach of provisions of I. D. Act, 1947. In any view of the matter, the claim suffers from infirmities and merit therefore is liable to be rejected accordingly the claim of the workman is rejected.

9. Held that the workman will not be entitled for any relief pursuant to the present reference order.

R. G. SHUKLA, Presiding Officer

नई दिल्ली, 7 मार्च, 2008

का.आ. 758.—औद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 17 के अनुसरण में, केन्द्रीय सरकार सेन्ट्रल बैंक ऑफ इंडिया के प्रबंधन के संबद्ध नियोजकों और उनके कर्मचारों के बीच, अनुबंध में निर्दिष्ट औद्योगिक विवाद में केन्द्रीय सरकार औद्योगिक अधिकरण/श्रम न्यायालय कानपुर के पंचाट (संदर्भ संख्या 71/99) को प्रकाशित करती है, जो केन्द्रीय सरकार को 5-3-2008 को प्राप्त हुआ था।

[सं. एल-12012/76/1998-आई आर (बी-II)]

राजिन्द्र कुमार, डेस्क अधिकारी

New Delhi, the 7th March, 2008

S.O. 758.—In pursuance of Section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central

Government hereby publishes the award (Ref. No.71/99) of the Central Government Indus.Tribunal -Cum Labour Court, Kanpur as shown in the Annexure, in the Industrial Dispute between the management of Central Bank of India, and their workmen, received by the Central Government on 5-3-2008.

[No.L-12012/76/1998-IR (B-II)]

RAJINDER KUMAR, Desk Officer

ANNEXURE

**BEFORE SRI R. G. SHUKLA, PRESIDING OFFICER  
CENTRAL GOVERNMENT INDUSTRIAL TRIBUNAL-  
CUM-LABOUR COURT KANPUR**

Industrial Dispute No. 71 of 99

In the matter of dispute between:

Central Bank Shosit Employees Association

The Regional Secy. CBSEA 2/334, Rui Ki Mandi

Shahganj Agra.

AND

The Regional Manager

Central Bank of India

37/2/4 Sanjai Place Agra.

**AWARD**

1. Central Govt. MOI, New Delhi vide Notification No.L-12012/76/98/IR (B-II) dated 30-3-99, has referred the following dispute for adjudication to this tribunal—

Whether the action of Central Bank of India in imposing penalties upon Yogendra Singh Bhandari, Clerk Agra Cantt. Agra vide order dated 3-6-96 is legal and justified? If not what relief is workman entitled?

2. In the instant case after exchange of pleadings and conclusion of evidence by the contesting parties when the case was taken up for final hearing on 7-9-07, the authorised representative instead of arguing the case on merit submitted before the Tribunal that since worker has taken away file and that he has no instruction in the case. This virtually means that the workman no more is interested in prosecuting his case and in view of it, tribunal do not considers it expedient to give full details of the case. Under these circumstances it is held that the workman is not entitled for any relief pursuant to the present reference. Award is given accordingly.

R. G. SHUKLA, Presiding Officer

नई दिल्ली, 10 मार्च, 2008

का.आ. 759.—औद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 17 के अनुसरण में, केन्द्रीय सरकार मैसर्स कृष्णा बी. सलगविकर के प्रबंधन के संबद्ध नियोजकों और उनके कर्मचारों के बीच, अनुबंध में निर्दिष्ट औद्योगिक विवाद में केन्द्रीय सरकार औद्योगिक अधिकरण/श्रम न्यायालय नं. 2, मुम्बई के पंचाट (संदर्भ संख्या 2/70/2003) को प्रकाशित करती है, जो केन्द्रीय सरकार को 10-3-2008 को प्राप्त हुआ था।

[सं. एल-39012/6/2003-आई आर (बी-II)]

राजिन्द्र कुमार, डेस्क अधिकारी

New Delhi, the 10th March, 2008

**S.O. 759.**—In pursuance of Section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the award (Ref. No. 2/70/2003) of the Central Government Indus. Tribunal-Cum Labour Court, No.2, Mumbai as shown in the Annexure, in the Industrial Dispute between the management of M/s Krishna V. Salgaonkar, and their workmen, received by the Central Government on 10-3-2008.

[No. L-39012/6/2003-IR (B-II)]

**RAJINDER KUMAR, Desk Officer**  
**ANNEXURE**

**BEFORE THE CENTRAL GOVERNMENT**  
**INDUSTRIAL TRIBUNAL NO. 2, MUMBAI**

**PRESENT**

**A. A. Lad, Presiding Officer**

**Reference No. CGIT-2/70 of 2003**

**Employers in relation to the management of M/s. Krishna V. Salgaonkar**

The Director,  
M/s. Krishan V. Salgaonkar,  
29, IDA Mansion,  
18, Vaju Kotak Marg,  
Fort, Mumbai 400001.

**V/s**

There Workmen  
Shri Satish Patkar,  
B/403, Shridarshan,  
Plot No.34, Sector 9,  
Khanda Colony,  
New Panvel (W) 410296.

**APPEARANCES:**

**FOR THE EMPLOYER** : Mr. M. V. Amberkar  
Advocate.  
**FOR THE WORKMEN** : Mr. J. H. Sawant  
Advocate.

**Mumbai, dated 25th January, 2008**

**AWARD**

The Government of India, Ministry of Labour by its Order No. L-39012/6/2003-IR(B-II) dated 14-10-2003 in exercise of the powers conferred by clause (d) of sub-section (1) and Sub-section 2(A) of Section 10 of the industrial Dispute Act, 1947 have referred the following dispute to this Tribunal for adjudication:

“Whether the action of the management of M/s. Krishna V. Salgaonkar, Clearing and Forwarding Agents, Mumbai in orally terminating the services of Shri Satish Patkar w.e.f. 6-8-2001 is justified? If not, what relief the workman Shri Satish Patkar is entitled to?”

2. Claim statement is filed by second party at Ex-6. It is replied by first party by filing Written Statement at

Ex-8. Issues were framed at Ex-15 and thereafter matter was posted for recording evidence.

3. Meanwhile, both agreed to keep matter for consideration in lokadalat. By filing settlement purshis Ex-27 they agreed to dispose of the reference. Hence the order:

**ORDER**

In view of Purshis filed at Ex-27 by both, reference is disposed of.

Date: 25-01-2008

**A. A. LAD, Presiding Officer**

**BEFORE THE CENTRAL GOVERNMENT**  
**INDUSTRIAL TRIBUNAL AT MUMBAI**

**Ref. CGIT No. 2/70 of 2003**

**M/S. KRISHNA V. SALGAONKAR**  
**MR. JAYANT K. SALGAONKAR** .... **Employer**  
**Partner**  
**V/s**

**SHRI SATISH A. PATKAR** .... **Workman**

**SETTLEMENT IN RESPECT OF DISPUTE**  
**UNDER REF. CGIT NO. 2/70/2003**

**Scen** Between M/s. Krishna V. Salgaonkar,  
Mr. Jayant K. Salgaonkar, Partner

**Presiding Officer** We Shri Jayant K. Salgaonkar Partner of M/s. Krishna V. Salgaonkar (employer) and Shri. Satish A. Patkar Applicant (Employee) in respect of Ref. CGIT 2/70 of 2003 hereby state that we have decided to settle the dispute under reference and the Term of Settlement by making payment of Rs.75,000 (Rupees Seventy five thousand only) for full and final settlement of the dispute under reference.

For full & final settlement three post dated cheques will be given on 25-01-2008. On receipt of full amount of Rs. 75,000 (Rupees Seventy five thousand only) the case will be withdrawn by the second party worker.

We jointly request the Hon'ble Tribunal to give an settlement award on the subject.

Submitted on 25th day of January, 2008.

**For Employer / Management**

**JAYANT K. SALGAONKAR, Partner**

**SATISH A. PATKAR M/S KRISHNA V. SALGAONKAR**  
**Workman**

Post date & Cheque No.659846 dt.24-1-2008 for Rs.25,000  
Post date & Cheque No.659897 dt 25-2-2008 for Rs.25,000  
Post date & Cheque No. 659898 dt 25-3-2008 for Rs.25,000  
All Cheques drawn in Punjab & Maharashtra Co-op Bank Ltd.

**नई दिल्ली, 7 मार्च, 2008**

**क्र.आ. 760.**—औद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 17 के अनुसरण में, केन्द्रीय सरकार सेन्ट्रल बैंक

ऑफ इंडिया के प्रबंधन के संबद्ध नियोजकों और उनके कर्मचारों के बीच, अनुबंध में निर्दिष्ट औद्योगिक विवाद में केन्द्रीय सरकार औद्योगिक अधिकरण/श्रम न्यायालय, कानपुर के पंचाट (संदर्भ संख्या 48/99) को प्रकाशित करती है, जो केन्द्रीय सरकार को 5-3-2008 को प्राप्त हुआ था।

[सं. एल-12012/192/1998-आई आर (बी-II)]

राजिन्द्र कुमार, डेस्क अधिकारी

New Delhi, the 7th March, 2008

S.O. 760.—In pursuance of Section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the award (Ref. No. 48/99) of the Central Government Indus. Tribunal -Cum-Labour Court, Kanpur as shown in the Annexure, in the Industrial Dispute between the management of Central Bank of India and their workmen, received by the Central Government on 5-3-2008.

[No. L-12012/192/1998-IR (B-II)]

RAJINDER KUMAR, Desk Officer

#### ANNEXURE

**BEFORE SRI R.G. SHUKLA PRESIDING OFFICER,  
CENTRAL GOVERNMENT INDUSTRIAL  
TRIBUNAL-CUM-LABOUR COURT, KANPUR**

Industrial Dispute Case No.48 of 99

In the matter of dispute between :

Rajesh Kumar Yadav,  
House No. 52/60 Pandiriba,  
Allahabad.

AND

The Regional Manager  
Central Bank of India  
Regional Office  
Lanka Varanasi.

#### AWARD

1. Central Govt. MOL, New Delhi vide Notification No. L-12012/192/98-IR(B-II) dated 8-3-99 has referred the following dispute for adjudication to this tribunal—

Whether Sh. Rajesh Kumar Yadav has worked with the management of Central Bank of India from 2-1-89 to 31-7-93 without any break?

Whether the action of the management of Central Bank of India in terminating the services of Sh. Rajesh Kumar Yadav w.e.f. 1-8-93 is justified? If not to what relief the workman is entitled for?

2. At the outset before embarking upon the merit of case it may be stated that it is settled legal position that a daily rated employee, casual employee, adhoc or temporary employee has no lien on regular and permanent post irrespective of the fact that he had worked much more than 240 days of continuous service in each calendar year during the period of his retention in the service of his employer.

3. From the pleadings of the workman as well as of the opposite party bank it is admitted position in the case

that the workman was engaged by the opposite party bank as daily rated casual worker for which he was being paid Rs. 10 per day excluding Sunday and holidays and which was gradually enhanced to Rs. 25 per day. He was made payment in his own name through vouchers and no some occasion the payment was made to him benami. The mode adopted by the opposite party as pleaded by the workman is unfair labour practice. On the basis of above, workman has sought indulgence of this Tribunal with prayer to grant him relief of reinstatement with full back wages and continuity of service.

4. Claim of the workman has been refuted by the opp. party bank on a number of grounds given in the statement of claim which need not be incorporated in the body of award as admitted according to this own pleadings the workman was engaged by the bank as daily rated workman.

5. In the case of Himanshu Kumar Vidyarthi versus State of Bihar and in the case of Secretary, State of Karnataka versus Smt. Devi the Apex Court has laid down specify on the point that a casual labour, employed on daily wage temporary worker, adhoc employee or an employee employed for short gap arrangement has no lien or right to claim regular employment in public employment against any regular and permanent post unless he has cleared the regular selection process. The law laid down by the Hon'ble Supreme Court fully apply to the facts and circumstances of the case, therefore, applying the law in the case of the workman, it can be safely inferred that the workman cannot be held entitled for any relief what to say about reinstatement as claimed by him.

6. There is yet another angle from which the claim of the workman is not sustainable in the eye of law. The fact that the banking employees are governed through service conditions and that the workman in his entire pleadings has not whispered even a single word as to which provisions of service regulations applicable on him was breached by the bank while dispensing with his casual and daily rated employment. Therefore, unless it is pleaded and proved provisions of Industrial Disputes Act, 1947, would not directly come into play in the case of the workman, therefore, workman cannot be held entitled for the relief as claimed by him. It further appears that the claim of the workman is misleading, misconceived, devoid of merit and based on misinterpretation of the provisions of Industrial Disputes Act, 1947, under these circumstances, the claim of the workman is liable to be rejected.

7. For the reasons discussed above, the claim of the workman is accordingly rejected holding that he cannot be held any entitled for any relief.

8. Reference is therefore, decided in favour of the opposite party and against the workman.

R. G. SHUKLA, Presiding Officer

नई दिल्ली, 10 मार्च, 2008

का.आ. 761.—औद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 17 के अनुसरण में, केन्द्रीय सरकार तूतीकोरिन पोर्ट ट्रस्ट के प्रबंधन के संबंध में नियोजकों और उनके कर्मचारों के बीच, अनुबंध में निर्दिष्ट औद्योगिक विवाद में केन्द्रीय सरकार औद्योगिक अधिकरण/श्रम न्यायालय, चेन्नई के पंचाट (संदर्भ संख्या 19/2007) को प्रकाशित करती है, जो केन्द्रीय सरकार को 10-3-2008 को प्राप्त हुआ था।

[सं. एल-44011/7/2006-आई आर(बी-II)]

राजिन्द्र कुमार, डेस्क अधिकारी

New Delhi, the 10th March, 2008

S.O. 761.—In pursuance of Section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the Award (Ref. No. 19/2007) of the Central Government Indus. Tribunal-Cum Labour Court, Chennai as shown in the Annexure, in the Industrial Dispute between the management of Tuticorin Port Trust and their workmen, received by the Central Government on 10-3-2008.

[No. L-44011/7/2006-IR (B-II)]

RAJINDER KUMAR, Desk Officer

#### ANNEXURE

#### BEFORE THE CENTRAL GOVERNMENT INDUSTRIAL TRIBUNAL-CUM LABOUR COURT, CHENNAI

Tuesday, the 25th Sept., 2007

PRESENT: K. JAYARAMAN, Presiding Officer

Industrial Dispute No. 19/2007

(In the matter of the dispute for adjudication under clause (d) of sub-section (1) and sub-section 2(A) of Section 10 of the Industrial Disputes Act, 1947 (14 of 1947), between the management of Tuticorin Port Trust and their Workmen)

#### BETWEEN

The General Secretary : I Party/Petitioner  
Tuticorin Port Trust Democratic  
Staff Union, Tuticorin

Vs.

The Chairman : II Party/Respondent  
Tuticorin Port Trust,  
Tuticorin

#### APPEARANCE:

For the Petitioner : None  
For the Management : S. Yashwanth

#### AWARD

The Central Government, Ministry of Labour vide its Order No. L-44011/7/2006-IR(B-II) dated 4-5-2007 referred the following Industrial Dispute to this Tribunal for adjudication.

The schedule mentioned in that order is :

- (i) Whether the demand raised by Tuticorin Port Trust Democratic Staff Union for regularization and fixation of pay of Sri Devadhass and Sri D. Devasahayam w.e.f. 24-07-1995 to 23-01-1-2001 basis and re-fixing the pay for the post of mechanic w.e.f. 24-1-2001 is just and legal? If not, to what relief the concerned workmen are entitled?

2. After the receipt of Industrial Dispute, this Tribunal has numbered it as ID 19/2007 and issued notices to both sides. The petitioner union even though received notice twice has not appeared before this Tribunal to contest the same and set exparte. On the other hand, the Respondent entered appearance through their advocate and filed their memo of objection.

The point of determination is:

- (i) Whether the demand raised by Tuticorin Port Trust Democratic Staff Union for regularization and fixation of pay of Sri Devadhass and Sri D. Devasahayam w.e.f. 24-7-1995 to 23-1-2001 basis and re-fixing the pay for the post of mechanic w.e.f. 24-1-2001 is just and legal?
- (ii) To what relief the concerned workman are entitled?

Point (i) & (ii)

3. As already pointed out, the petitioner union even though raised the dispute before the labour authorities has not appeared before this Tribunal even after two notices. The union was set ex-parte and its Respondent in its memo of objection alleged the union has raised the dispute for regularization of Sri S. Devadhass and Sri D. Devashayam who are earlier held the post of Khalasi and subsequently promoted as Asstt. Mechanic on ad-hoc basis. Since the post in question is only a temporary one viz. that the concerned employee were appointed on adhoc basis and further adhoc appointment was also not approved by the Ministry, they are not given any relief and they were also not eligible for promotion to the post of Asstt. Mechanic as per the approved Recruitment Rules at the point of time. Therefore, they are not entitled to any relief.

4. In this case, though the petitioner union has raised the dispute for the regularization of the concerned employees, they have not come to this forum to establish the fact as to how they are entitled for regularization and also fixation as claimed by the union since the burden of proving the concerned employees are entitled for regularization is upon the petitioner union and since the petitioner union has not discharged this burden with no satisfactory evidence and I am of the opinion the petitioner union is not entitled to get any relief as claimed by them. Therefore, this ID is dismissed but without any cost.

5. Thus, the reference is answered accordingly.

(Dictated to the P.A., transcribed and typed by him, corrected and pronounced by me in the open court on this the 25th Sept., 2007)

K. JAYARAMAN, Presiding Officer

Witnesses Examined :—

For the I Party/Petitioner : None

For the II Party/Management : None

Documents Marked :—

On the petitioner's side

| Ex. No. | Date | Description |
|---------|------|-------------|
| —Nil—   |      |             |

From the Management side:

| Ex. No. | Date | Description |
|---------|------|-------------|
| —Nil—   |      |             |

नई दिल्ली, 10 मार्च, 2008

क्र.अ. 762.—औद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 17 के अनुसरण में, केन्द्रीय सरकार बैंक ऑफ इंडिया के प्रबंधन के संबंध नियोजकों और उनके कर्मचारों के बीच, अनुबंध में निर्दिष्ट औद्योगिक विवाद में केन्द्रीय सरकार औद्योगिक अधिकरण अधिनियम न्यायालय नं.-2, मुम्बई के पंचाट (संदर्भ संख्या 2/29/2003) को प्रकटित करती है, जो केन्द्रीय सरकार को 10-3-2008 को प्राप्त हुआ था।

[सं. एल-12011/10/2003-आई आर(बी-II)]

राजिन्द्र कुमार, डेस्क अधिकारी

New Delhi, the 10th March, 2008

S.O. 762.—In pursuance of Section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the award (Ref. No. 2/29/2003) of the Central Government Indus. Tribunal-cum-Labour Court, No. 2, Mumbai as shown in the Annexure, in the Industrial Dispute between the Management of Bank of India, and their workmen, received by the Central Government on 10-3-2008.

[No. L-12011/10/2003-IR(B-II)]

RAJINDER KUMAR, Desk Officer

ANNEXURE

BEFORE THE CENTRAL GOVERNMENT  
INDUSTRIAL TRIBUNAL NO.2, MUMBAI

PRESENT

A. A. Lad Presiding Officer

Reference No. CGIT 2/29 of 2003

EMPLOYERS IN RELATION TO THE MANAGEMENT  
OF BANK OF INDIA

The General Manager (P)

Bank of India

Mumbai South Zone

Bank of India Building

70-80, M. G. Road

Fort Mumbai 400023.

Vs.

THEIR WORKMEN

The General Secretary

Bank of India Staff Union

Bank of India Building

70-80, M. G. Road

Fort Mumbai 400023.

APPEARANCES :—

FOR THE EMPLOYER : Mr. L. L. D'Souza  
Representative

FOR THE WORKMEN : Mr. M. B. Anchan  
Advocate.

Mumbai, dated 29th January, 2008.

#### AWARD PART-I

The Government of India, Ministry of Labour by its Order No. L-12011/10/2003/IR(B-II) dated 20-05-2003 in exercise of the powers conferred by clause (d) of sub-section (1) and sub-section 2(A) of Section 10 of the Industrial Disputes Act, 1947 have referred the following dispute to this Tribunal for adjudication:

"Whether the action of the Management of Bank of India, Mumbai South Zone, Mumbai in dismissing Shri Sanjay Shete from service w.e.f. 10-8-2001 is justified? If not, what relief the workman Shri Sanjay Shete is entitled to?

2. Claim statement is filed by General Secretary of the Union making out case that concerned workman Sanjay Shete was a permanent sub-ordinate staff and was member of Union. On 18-7-2000 chargesheet was served on him alleging that he did some withdrawal in the accounts of Shri Purushotam Singh and Shri Rama Iyer of Maheshwari Udyan Branch by using fraudulent cheques and suppressed the evidence about the said so that act cannot be detected, by taking help of other staff namely Dalvi and Deshmukh and destroyed the documents used in the transaction. As per chargesheet, it was alleged that concerned workman was responsible for the serious loss to the Bank to the tune of Rs. 1,55,000 and as such, he committed an offence under clause 19.5 (j) of the First Bi-partite Settlement dated 19-10-1966. According to union, farce of enquiry was made by Bank by issuing show-cause notice dated 9-3-2001. Concerned workman was not permitted to take help of defence representative. Investigation report was not submitted to the concerned workman. The witnesses examined in the investigation were not made available for cross and basing on that Inquiry Officer declared concerned workman guilty of the charges. It is

alleged that other workmen involved in the so called incident were not prosecuted. Scapegoat was made of the concerned workman to hide others and as such, decision taken on such a faulty enquiry of termination is not just and proper. Even finding given by Inquiry Officer is not on the evidence placed before him who observed concerned workman guilty of charges levelled against him. So it is prayed that enquiry conducted be declared not just and proper, findings perverse and reinstate concerned workman with all benefits.

3. This is disputed by the Bank by filing reply Ex-9 making out case that concerned workman at the relevant time was a sub-staff at Maheshwari Udyan branch between 23-03-1988 to 01-01-1998. It was alleged that concerned workman fraudulently collected payment of Savings Bank A/c No. 421 against token Nos. 41 & 44 on 10-10-97 to the tune of Rs. 30,000 and on 23-10-97 to the tune of Rs. 20,000. All these reveals that concerned workman was involved in the fraud by obtaining cheque book by stealing those from the record of the Bank. It is further alleged that, concerned workman was suspended during the investigation. One of the customer, Punishotam Singh was maintaining savings bank account No. 5451 with Maheshwari Udayan branch which was dormant from 20-06-1988 and credit balance in said account on 01-01-1997 was Rs.96,408.08 paise. It was alleged that concerned workman conspired with Dalvi the other staff working at Maheshwari Udyan branch and fraudulently obtained cheque book bearing serial Nos. 453141 to 453150 in SB Account No. 5451 of the aforesaid person and fraudulently withdrew amount of Rs. 80,000 from the said account on various dates. It is also alleged that said workman unauthorisedly wrote the summary payment scroll book and then managed to destroy all relevant documentary evidence regarding cheque book, requisition slips, account opening forms and other relevant documents to unable to detect the act. It was also alleged that one Rama Iyer was having Saving Bank account No. 421 in the said branch and it was dormant since 1994 and in that account Rs. 76,382.66 paise were shown balance. This workman with the help of Dalvi and Deshmukh fraudulently obtained on 04-07-1997 a cheque bearing serial Nos. 622326 to 622350 of the said account number and managed to withdraw Rs. 75,000. Accordingly concerned workman was chargesheeted on 18-07-2000 leveling charge of gross negligence, acting against interest of bank and was negligent in the work which involved Bank in serious loss. So departmental enquiry was conducted by levelling charge of misconduct. Shri V.S.Haldankar was appointed as Inquiry Officer in the Departmental enquiry by conducting five sittings. Inquiry Officer recorded evidence and allowed Bank to produce evidence by giving opportunity to concerned workman to lead evidence and concluded concerned workman guilty of the charges. Said finding was accepted by disciplinary authority and concerned

workman was punished as per standing orders by issuing punishment of dismissal. It is stated that concerned workman was given opportunity to represent his representative. Inquiry Officer evaluated the evidence on record and evidence given by the witnesses. Both were heard after evidence and basing on the evidence placed, finding was given which did not require to be interfered. So it is submitted that the prayer of concerned workman for declaring enquiry not proper and findings perverse be rejected and punishment awarded on the said be confirmed.

4. In view of above pleadings, issues were framed at Ex-19. Out of those, issues Nos. 1 & 2 are on the point of enquiry which are treated as preliminary issues and which are answered as follows:

| Issues                                  | Findings |
|---|----------|
| (i) Whether enquiry is fair and proper? | yes.     |
| (ii) Whether findings are perverse?     | No.      |
| Reasons                                 |          |

#### Issue No. 1

5. By charge sheet dated 18-7-2000, first party levelled charge of misconduct and doing act fraudulently by showing negligence. Charge of destroying the evidence to suppress the act which was against the interest of Bank is levelled against concerned workman, which is punishable under Standing Orders 19.5(j) of the First Bi-parite Settlement dated 19-10-1966. According to concerned workman, charges levelled against him were not proved. Mere farce was made by the Bank to enable it to take action against concerned workman. No proper opportunity was given to him. Whereas case of the Bank is that full and proper opportunity was given to concerned workman. He participated in the enquiry with his defence representative. Documents were made available which the Bank has produced before Inquiry Officer to the concerned workman and his representative. To prove that concerned workman rely on his affidavit filed in lieu of examination-in-chief. Ex-20 by making out above type of case. However in the cross he states that he selected one Milind Singarpure as his defence representative and he admits that management examined four witnesses who were made available for cross. He admits that page 21 of Ex-15 bears his signature. He admits that he did not lead any evidence as he was of the view that he did nothing wrong. He also admits that he was served with show cause notice which he replied. Even enquiry was re-opened at his instance. He admits that page 132 of Ex-15 was served on him. He admits that he initialled it. He admits that, report of Inquiry Officer was kept on record alongwith his statement. He admits that opportunity was given to cross the Investigation Officer which was not utilised by his representative. He admits signature from page 136 of Ex-15 as well as page 421. He admits that he was served with show cause notice after enquiry report and personal hearing was given. Second party filed purshis at Ex-21 closing their

evidence. Against this, management placed reliance on affidavit filed in lieu of examination-in-Chief at Ex-22 describing in what manner opportunity was given to concerned workman and how he participated in the enquiry. In the cross he denied suggestion of second party workman. He pointed out statement made of concerned workman which was recorded on page 4 of enquiry. He admits that said statement was not recorded after reopening of the enquiry. It was questioned to witness that, change in the name of Presenting Officer of the first party was not made known to the concerned workman which is not denied by the witness of the Bank. However in my considered view, changing Presenting Officer is nothing but changing an advocate and in that respect, I feel that Bank was not supposed to communicate said change to the concerned workman. Besides it is not pointed out in what manner said change of Presenting Officer affect on the enquiry and on the interest of concerned workman? About evidence it is questioned to the witness but concerned workman has admitted that he was served with documents. Advocate for second party submitted written arguments at Ex-24 which was replied by first party by filing written arguments at Ex-26.

6. In that respect, if we peruse the enquiry proceedings placed on record and admission given by concerned workman in his cross, we find page 4, pages 12 to 21 of Ex-15 bears signature of the concerned workman and his defence representative. It reveals that on all these dates concerned workman with his defence representative were present. All these reveals that concerned workman did not step in to witness box and stated anything about the charges levelled and make out case before Inquiry Officer. On the contrary, before us he admits that he decided not to step into witness box in enquiry because he did nothing wrong. When enquiry proceeding reveals that, concerned workman has participated in the enquiry and got all opportunity and it is not pointed out how enquiry can be held not just and proper, I am of the view that it find difficult to observe, enquiry is not just and proper. In the enquiry, concerned workman did not led evidence or make out case under the impression that he did nothing wrong. But the evidence placed before Inquiry Officer shows involvement of concerned workman. The charge of stealing cheque books of Account Nos. 421 & 5451 of Maheshwari Udyan Branch was levelled. Charge of destroying documents is also levelled against him and on that evidence was led by the Bank which is not denied by the concerned workman in his cross. It is not pointed out, how enquiry was not fair and proper? It is not shown where opportunity was not given to concerned workman though he demanded. It is not shown how he did not get opportunity to make out his case. On the contrary enquiry proceedings more precisely page No. 20 reveals that defence representative declared that, he do not want to cross examine the witness. Page No. 21 also reveals that,

Inquiry Officer asked defence representative to present his defence to which defence representative declared that he do not want to produce any defence documents and witness and will submit the arguments in writing. So this reveals that full opportunity was given but it was denied by the concerned workman. On the contrary case of the concerned workman reveals that opportunity was given, but it was not utilised by the defence representative. Even grievance of the concerned workman is that though witnesses were made available for cross his defence representative did not utilize the opportunity. So all these reveals that opportunity was given to the concerned workman which he denied and now he cannot say that he did not get opportunity to lead evidence. Besides it is not pointed out by cross examining witness what he wanted to prove? No any specific case is made out. So I conclude that enquiry conducted and placed on record is just and proper and does not require to be interfered.

#### Issue No. 2

7. It is alleged by the concerned workman that findings are perverse and Inquiry Officer has no evidence to conclude like that. Findings of the Inquiry Officer produced with Ex-15 from pages 120 to 127 we find, he discussed the evidence placed before him. Even he narrates the incident and gave anxious thought to the evidence placed before him. Even he considered the investigation report which was supplied to concerned workman and relying on that, he concluded that, concerned workman is guilty of charges levelled against him. It is not pointed out by the concerned workman and his advocate, how findings of Inquiry Officer are perverse? So considering all that coupled with case made out by both, I conclude that, findings of Inquiry Officer are not perverse.

8. In view of discussing made above, I conclude that enquiry is just and proper and findings not perverse. Hence the order:

#### ORDER

- (1) Enquiry is just and proper and findings not perverse.
- (2) Both parties to participate on the point of quantum of punishment.

Date: 29-01-2008

A. A. LAD, Presiding Officer

नई दिल्ली, 10 मार्च, 2008

का.आ. 763.—औद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 17 के अनुसरण में, केन्द्रीय सरकार जवाहरलाल नेहरू पोर्ट ट्रस्ट के प्रबंधन के संबद्ध नियोजकों और उनके कर्मचारों के बीच, अनुबंध में निर्दिष्ट औद्योगिक विवाद में केन्द्रीय सरकार औद्योगिक अधिकरण/ग्राम न्यायालय नं. 2, मुम्बई के पंचाट (संदर्भ संख्या 27/1/2005) को प्रकाशित करती है, जो केन्द्रीय सरकार को 10-03-2008 को प्राप्त हुआ था।

[सं एल-31011/16/2004-आई आर(बी-11)]

राजिन्द्र कुमार, टेस्क अधिकारी

New Delhi, the 10th March, 2008

S.O. 763.—In pursuance of Section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the Award (Ref. No. 2/71/2005) of the Central Government Industrial Tribunal-cum-Labour Court, No 2, Mumbai as shown in the Annexure in Industrial Dispute between the employers in relation to the management of Jawaharlal Nehru Port Trust, and their workmen, which was received by the Central Government on 10-3-2008

[No. L-31011/16/2004-IR (B-II)]

RAJINDER KUMAR, Desk Officer  
ANNEXURE

**BEFORE THE CENTRAL GOVERNMENT  
INDUSTRIAL TRIBUNAL NO. 2, MUMBAI**

PRESENT: A. A. Lad, Presiding Officer

Reference No. CGIT-2/71 of 2005

Employers in Relation to the Management of

(1) JAWAHARLAL NEHRU PORT TRUST

(2) CENTRAL WAREHOUSING CORPORATION

(3) M/S. SPEEDY TRANSPORT PVT. LTD.

(1) The Chairman

Jawaharlal Nehru Port Trust

Admn. Building, Nhava-Sheva

Navi Mumbai-400 707.

(2) The Regional Manager

Central Warehousing Corporation

Central Freight Station

Jawaharlal Nehru Port Trust

Navi Mumbai-400 707

(3) M/s. Speedy Transport Pvt. Ltd.

BPT 1635, Mansion Road, Carnac Bunder

Mumbai-400 009.

V/s.

**THEIR WORKMEN**

The General Secretary

Nhava Sheva Port & General Workers Union

Port Trust Kamgar Sadan, 2nd floor

Nawab Tank Road, Mazgaon

Mumbai-400 010.

**APPEARANCES:—**

For the Employer (1): Mr. L.L.D<sup>s</sup> Souza : Representative

(2) Mr. S.B. Sharma : Advocate

(3) Ms. Sonia Sunil : Advocate

For the Workmen Mr. J.H. Sawant : Representative

Mumbai, dated the 25th January, 2008

**AWARD**

The Government of India, Ministry of Labour by its Order No.L-31011/16/2004/IR (B-II) dated 4-5-2005 in exercise of the powers conferred by clause (d) of sub-section (1) and sub-section 2 (A) of section 10 of the Industrial Disputes Act, 1947 have referred the following dispute to this Tribunal for adjudication:

"Whether the demand made by Nhava Sheva Port and General Workers' Union for regularisation of service of Shri Hanuman Govind Tandel and 14 others (as per list attached) engaged by the management of JNPT through Central Warehousing Corporation is justified? If so, what relief are the workmen concerned entitled to?"

(List)

Sr. No. Name

1 Shri Hanuman Govind Tandel

2 Smt. Tulsabai Chandrakant Tandel

3 Smt. Hirabai Nathuram Tandel

4 Shri. Manohar Laxman Mhatre

5 Shri Pandarinath Moreshwar Thakur

6 Shri Parshuram Kashinath Kadu

7 Shri Bharat Laxman Patil

8 Shri Krishana Ramchandra Kadu

9 Shri Chandrakant Jawahar Kadu

10 Shri Ramkrishan Soma Tandel

11 Shri Kesharinath Gajanan Mhatre

12 Shri Mahesh Naresh Kadu

13 Shri Atmaram Govind Tandel

14 Shri Rajendra Yashwant Mohite

15 Shri Baliram Gajanan Mhatre

2. Claim statement is filed by Vice President of Union for workman at Ex-7 which was replied by first party by filing written statement at Ex-9 and Ex-13. Matter was fixed for framing issues. However both parties requested to keep matter before Lok Adalat, where both parties arrived at settlement and filed purshis at Ex-22. Hence the order:

**ORDER**

In view of Purshis filed at Ex-22

by both, reference is disposed of.

Date: 25-01-2008.

A. A. LAD, Presiding Officer

Ex-22

**BEFORE THE CENTRAL GOVERNMENT  
INDUSTRIAL TRIBUNAL NO.2, MUMBAI**

Reference No. CGIT-2/71 of 2005

Employers in Relation to the Management of

(1) Jawaharlal Nehru Port Trust



(2) Central Warehousing Corporation : First Party

V/s.

THEIR WORKMEN represented by

Nhava Sheva Port &amp; General Workers

Union : Second Party

Application for disposal of the Reference for want of prosecution.

MAY IT PLEASE YOUR HONOUR

The workmen represented by Nhava Sheva Port and General Workers Union beg to apply for disposal of reference for want of prosecution.

MUMBAI

Date: 25-01-08

Sd/-

(Jaiprakash Sawant)

Representative

Seen

Sd/-

Presiding Officer

25-1-08

Award may be Passed accordingly

Sd/-

for JNPT

25-1-2008

I have no objection

Sd/-

Adv. for CWC

25-1-2008

नई दिल्ली, 10 मार्च, 2008

क्र.आ. 764.—औद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 17 के अनुसरण में, केन्द्रीय सरकार एन.एल.सी. इंडको सर्व को प्रबंधन के संबद्ध नियोजकों और उनके कर्मचारों के बीच, अनुबंध में निर्दिष्ट औद्योगिक विवाद में केन्द्रीय सरकार औद्योगिक अधिकरण चैनेई के पंचाट (संदर्भ संख्या 43/2006) को प्रकाशित करती है, जो केन्द्रीय सरकार को 10-3-2008 को प्राप्त हुआ था।

[सं. एल-22012/230/2005-आई. आर. (सी-11)]

अजय कुमार, डेस्क अधिकारी

New Delhi, the 10th March, 2008

S.O. 764.—In pursuance of Section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the Award (Ref. No. 43/2006) of the Central Government Industrial Tribunal-cum-Labour Court, Chennai as shown in the Annexure in Industrial Dispute between the employers in relation to the management of NLC Indcoserve, and their workmen, received by the Central Government on 10-03-2008

[No. L-22012/230/2005-IR (C-II)]

AJAY KUMAR, Desk Officer

## ANNEXURE

BEFORE THE CENTRAL GOVERNMENT  
INDUSTRIAL TRIBUNAL-CUM-LABOUR COURT  
CHENNAI

Tuesday, the 4th December, 2007

PRESENT : K. JAYARAMAN, Presiding Officer

INDUSTRIAL DISPUTE NO. 43/2006

[In the matter of the dispute for adjudication under clause (d) of sub-section (1) and sub-section 2 (A) of Section 10 of the Industrial Disputes Act, 1947 (14 of 1947), between the Management and their workman]

BETWEEN

Sri K. Ravichandran

22, 10th Street, North Jagannatha Nagar

Villivakkam

Chennai-600049

: Petitioner/I Party

AND

The Special Officer

NLC Indcoserve

Opp. Thermal Power Station-1

Neyveli-607807

: Respondent/II Party

APPEARANCE :

For the Petitioner

: Mr. K. Sathish Kumar,

D. Muthukumar. T. Anbu

For the Management : M/s. T.S. Gopalan &amp; Co.

## AWARD

The Central Government, Ministry of Labour vide its Order No. L-22012/230/2005/IR (CM-II) dated 02-08-2006 referred the following Industrial Dispute to this Tribunal for adjudication:

The schedule mentioned in that order is:

"Whether the action of the management of NLC Indcoserve in dismissing Sri K. Ravichandran from service w.e.f. 19-10-2004 is legal and justified? If not to what relief is the workman entitled?"

2. After the receipt of the Industrial Dispute, this Tribunal has numbered it as ID 43/2006 and issued notices to both sides. Both sides entered appearance through their advocates and filed their claim and counter statement respectively.

3. The allegations in the claim statement are briefly as follows:

The petitioner was appointed as casual worker in the Thermal Power Station of the Neyveli Lignite Corporation Ltd. (NLC) on 12-11-1986 through the Indcoserve and the Respondent was absorbed the petitioner on 20-11-1990 and his attendant membership is 1394. While so, on 20-01-1995, the petitioner was seriously sick due to his chronic peptic ulcer and therefore he applied leave on medical ground on 20-01-1995 and underwent treatment and when he got cured he came to Neyveli and reported for

duty on 17-04-1998 with necessary medical certificate. He was advised to come after a week's time and his joining report was forwarded to the Managing Director/Indcoserve for approval. After waiting for sometime he approached the Special Officer of the Respondent Management with all relevant papers on 22-04-2002 and requested them to permit him to join the duty. After some time, the petitioner came to know the Officer concerned were not really interested to entertain him back to service though the recommendations were bonafide. Therefore, he raised a dispute and requested the conciliation authority to direct the Respondent to engage him in service. But after filing the case, the Respondent Management passed an illegal dismissal order dated 19-10-2004 against the petitioner. The said order of dismissal passed by the Respondent Management is not maintainable. No charges have been framed by the Respondent and no notice has been served to the petitioner. The leave applied by the petitioner was not rejected by the Respondent. Even assuming that the petitioner was unauthorized absence, nothing prevented the employer to take action under the relevant provisions in the Standing Orders of Indcoserve. In dismissal order, it is stated that the petitioner has been unauthorized absence himself for more than 9-1/2 years and his whereabouts were also not known to the Society till now. But this allegation is not fair on the part of Respondent when they have received the joining report. The Respondent has slept over the leave applied for and again from 17-04-1998 when the petitioner reported for duty with necessary medical certificates. Further, it is not open to the Respondent to dismiss the petitioner while conciliation was in progress and that too without the approval of the conciliation authority and therefore the action of the Respondent is in violation of Section 33 of the Industrial Disputes Act. It is also violation of the Indcoserve Standing Orders No. 30, which stipulates an enquiry before passing any order under sub-section of Standing Orders 29.7. Without prejudice to his contentions, the petitioner further stated in any event punishment of dismissal imposed on the petitioner ignoring his unblemished record of service is not valid and this Tribunal has every right to interfere with quantum of penalty under Sec. 11-A of the Industrial Disputes Act. Since the order passed by the Respondent is in violation of principles of natural justice and fair play, it is not sustainable and it is unjustifiable. Hence, for all these reasons the petitioner prays this Tribunal to reinstate him in service with full back wages, continuity of service and all attendant benefits.

4. But, as against this, the Respondent in his counter statement contended the Neyveli Lignite Corporation (NLC) used to give various jobs to contractors who bring their own men, carry out the work and they are paid charges based on the volume of work carried out or based on the

supply of workmen. Due to the efforts of Government of Tamil Nadu in November, 1988, it was resolved to form Industrial Coop. Society in Neyveli by absorbing the workmen employed by various contractors and entrust the jobs with minimum wages to the displaced persons and in the year 1990, the Respondent Society was formed. The petitioner was one of the contract workman and he admitted as a member. To the knowledge of the Respondent, the petitioner was assigned the checking the tickets of at the beginning and end of the shifts and during the rest of the duty hours, he was engaged to attend the duties given by Officers of NLC. To the reason best known to the petitioner, he was not reported for duty from 19-01-1995. The copy of the petitioner's 2A petition was received by the Respondent only on 13-09-2004 and that after ascertaining the factual position, the Respondent passed orders on 19-10-2004 dismissing him from service on the ground of his continuous absence for 9-1/2 years. The termination is perfectly justified and is not liable to be interfered with for all or any of the reasons urged by the petitioner. It is reliably learnt by the Respondent that after January, 1995, the petitioner had gone abroad and on his return on 19-09-1995, he has joined as casual labour Driver-cum-Conductor in JJTC Ltd., a State owned Transport Corporation and he was also absorbed in the service of the said corporation from 01-04-1999 and it is also learnt by the Respondent, the said Transport Corporation had referred the petitioner for medical examination as his colour vision was impaired making him unfit for employment as Driver in the year 2000 while he was working in Salem and by an order dated 12-03-2001, the State Express Transport Corporation terminated his service. It is further learnt that the petitioner raised an Industrial Dispute challenging his termination and the dispute has been taken to Labour Court, Salem in I.D. No. 635/2004. It is also reliably learnt that the said dispute is now pending. This Respondent had not received the representation made by the petitioner to the NLC on 19-04-1998 or 22-04-2002. It is also not true to say that he applied for leave on 20-01-1995 and he reported to the Respondent for duty on 17-04-1998. This Respondent has no knowledge about what transpired between the petitioner and the General Manager, Thermal Power Station-II of NLC. The petitioner has not disputed his absence from 20-01-1995. Since the petitioner continued to remain absent, the Respondent was advised to pass an order of termination which it did on 19-10-2004. In view of the factual position, there was no need for any enquiry. When the Respondent was passed this order, there was no I.D. pending conciliation and therefore Section-33 of the I.D. Act was not attracted. It is not an invariable rule that every order of punitive termination should be preceded by domestic enquiry. It is always open to the Management to justify the order of termination which was not preceded by enquiry. Hence, for all these reasons, the Respondent prays that the claim may be dismissed with costs.

**Points for determination are:**

- (i) Whether the punishment of removal from service, imposed on the petitioner by the Respondent Management by its order 4-05-2004 is legal and justified?
- (ii) To what relief the petitioner is entitled to?

**Point No. 1**

5. The case of the petitioner in this dispute is that he was one of the contract workman who after the formation of the Respondent Society was admitted as member. While so on 20-01-1991, he was seriously sick due to his chronic peptic ulcer turning into a complicating ailment required sustained treatment. He applied for leave on medical grounds on 20-01-1995 and underwent treatment and when he got cured and became fit to resume work, he came back to Neyveli and reported for duty on 17-04-1998 with necessary medical certificate including fitness certificates issued by competent medical authority. But the Respondent Management has not given permission to join duty and therefore, he raised the dispute. But on behalf of the Respondent it is alleged the petitioner was last reported for duty on 19-01-1995, thereafter nothing was heard from him and the Respondent came to know his whereabouts only after the 2A petition under the I.D. Act dated 10-09-2004 and after ascertaining the factual position, the Respondent passed order on 10-10-2002 dismissing him from service on the ground that he was continuously absent for 9-1/2 years and the termination is perfectly justified and the same is not liable to be interfered with for all or any of the reasons. Further, the Respondent contended, in the meantime the petitioner has gone abroad and on his return he joined as a casual labour/Driver-cum-Conductor in JTTC, a State owned Transport Corporation and he was also absorbed in the service of the Corporation from 01-04-1999 and the State Express Transport Corporation which is a subsidiary of JTTC had referred the petitioner for medical examination as his colour vision was impaired making him unfit for employment as a Driver and by an order dated 12-03-2001, the said Corporation terminated his service while he made a representation for alternate job, the said Corporation declined to entertain his request and after that he has also raised as I.D. challenging his termination before the Labour Court, Salem which is pending as 635/2004 in the Salem Labour Court. It is false to allege that the petitioner has applied for leave on 20-01-1995 and reported for duty to the Respondent Management on 17-04-1998 and it is his further contention that there is no an invariable rule that every order of punitive termination should be preceded by domestic enquiry.

6. In this case in order to establish his case, the petitioner examined himself as WW1 and marked 9 documents. Ex. W1 is the proforma given by him at the time of formation of Respondent Society. Ex. W2 is the copy of the Identity card given to the petitioner by the Respondent Management. Ex W3-Ex 5 are the representations given by the petitioner to the General Manager, NLC and Director,

NLC dated 17-04-1988, 22-04-2002 and 20-06-2004. Ex. W6 is the copy of the petition filed before the labour authorities and Ex. W7 is the copy of the order of dismissal passed by the Respondent Management. Ex. W8 is the copy of the counter statement filed by the Respondent before the conciliation Officer. Ex. W9 is the copy of the rejoinder filed by the petitioner before the conciliation authorities. The learned counsel for the petitioner argued the order of dismissal passed by the Respondent Management under Ex. W7 is in violation of the Standing Orders, Clause 30.1 which says no order under Clause-29 shall be made except after holding an enquiry against the workman concerned in respect of alleged misconduct in the manner set forth in Clause-30. In this case, though the Respondent Management alleged that the whereabouts of the petitioner was not known from 20-01-1995, Respondent Management has not taken any disciplinary proceedings against the petitioner and only after the petitioner has taken the matter before the labour authorities that only after the service of the notice from the labour authorities the Respondent has taken the disciplinary proceedings without framing any charge and without any enquiry has dismissed the petitioner from service, which is against the provisions of the Standing Orders and therefore, the order of termination passed by the Respondent is not valid in law. Then again, the learned counsel for the petitioner argued the Respondent without any notice to the petitioner without holding an enquiry, has unilaterally dismissed the petitioner which amounts to violation of natural justice. Further, when the conciliation proceedings are pending before the labour authorities, the Respondent Management has dismissed the petitioner which is against the provisions of Section-33 of the Industrial Disputes Act and therefore the action of the Respondent Management in dismissing the petitioner is void abinitio and therefore, the petitioner is entitled to the relief as prayed for.

7. But as against this, the learned counsel for the Respondent contended though the petitioner alleged that he was seriously ill due to his chronic peptic ulcer and was not able to attend the work from 20-01-1995, though he alleged that he applied leave for his ailment, he has not produced any document to show that he has applied leave from 20-01-1995. On the other hand, he has obtained personal passport and he was worked in JTTC, a State Owned Transport Corporation from Sept. 1995 till March 2001 and he absorbed in the State Transport Corporation and only on 12-03-2001, the State Transport Corporation has terminated his service and against his termination, he has also raised a dispute before labour authorities, Salem and the dispute was still pending before Salem Labour Court in I.D. 635/2004. Further, all the representations made by the petitioner which was given to the NLC, he has not mentioned anything that he has given leave application for his ailment from 20-01-1995. Further, it is a lie that the petitioner was affected by ulcer during the period 20-01-1995

to 17-04-1998 because even in this period, he has worked as a Driver that too a regular Driver in the JTTC which is a State Owned Transport Corporation. While he has worked in the Transport Corporation, it is false to allege that he was given a representation along with the medical certificate to join duty. It is his further argument, that there is no relationship of employer and employee between the Respondent and the petitioner. No doubt, the Respondent Management has not taken immediate action against the petitioner but his whereabouts were not known to the Respondent Management and has not taken any action and only from the service of notice of the petitioner under Section 2A of the I.D. Act, he came to know the whereabouts of the petitioner and has taken against the petitioner. No doubt, every punitive action should be preceded by a domestic enquiry but on exigencies of situation, such dismissal is permissible in certain case when the situation requires, a prompt action should be taken in dismissing the petitioner and the usual procedure to suspend and to enquire a workman would not serve the purpose and not taking prompt action might result in trouble spreading and situation worsening and at time becoming uncontrollable and it is well settled by the Supreme Court "normally, it is the Officer on the spot who is the best judge of the situation and his decision should not be interpreted with lightly" and he relied on the ruling reported in 2005, 7, S.C. CASES, PAGE 764 wherein the Supreme Court has held "the principles of natural justice are not rigid or immutable and hence they cannot be imprisoned in a straitjacket and change with exigencies of situation, this must be confined within their limits and cannot be allowed to run wild. While interpreting legal provisions, a Court of Law cannot be unmindful of the hard realities of life. The approach of the Court in dealing with such case should be pragmatic rather than pedantic, realistic rather than doctrinaire, functional rather than formal and practical rather than "Precedential". In certain circumstances, an application of principles of natural justice can be modified and even excluded. It can also be excluded where the nature of the action to be taken, its object and purpose and the scheme of the relevant statutory provisions warrants its exclusion:.....The principles of natural justice have no application when the authority is of the opinion that it would be inexpedient to hold an enquiry and it would be against the interest of the security of the Corporation to continue in employment, the offender workman where serious acts were likely to affect the foundation of the Corporation". Taking advantage of this decision, the learned counsel for the Respondent contended in this case the petitioner merely appointed as worker in the Respondent Management and he has joined in the service of the JTTC as a regular Driver and he has worked there number of years and after taking action by the State Transport Corporation and after his termination from the service of the Transport Corporation, he has also raised a dispute before the State labour authorities and the matter is pending before the State Labour Court. Under

such circumstances, it cannot be said that there is a relationship of master and servant existing between the petitioner and the Respondent Management even after his employment before the Transport Corporation. I find much force in the contention of the learned counsel for the Respondent. Though the learned counsel for the petitioner relied on the ruling 244, 2, S.C. CASES, JAIPUR ZILA SAHAKARI BHOOMI VIKAS BANK LTD. Vs. RAM GOPAL SHARMA AND OTHERS and argued under Section 33 (2) (b) "when he has not obtained any permission before the labour authorities for taking action against the employee, the employee continues to be in service as if the order of dismissal or discharge was never passed" and in this case only after the institution of the proceedings under I.D. Act, the Respondent has taken punitive action against the petitioner and it is not valid and the petitioner should be deemed to have continued in the service of the Respondent Management and therefore, the petitioner is entitled to the relief prayed for. Though, I find some force in the learned counsel for the petitioner, I am not inclined to accept his argument because the petitioner after 20-01-1995 has left the employment of the Respondent Management and he joined in the services of the State Owned Transport Corporation in Salem and he has worked for number of years in that Corporation and only after the Corporation has taken disciplinary action for his infirmity he has come to forward an application for reinstatement in the Respondent Management. I suppose this is not a case to extend the benefits of the I.D. Act to the petitioner. This demand by the petitioner that he has raised a dispute against the State Transport Corporation for his dismissal before the Labour Court, Salem. It is clear even when the matter is pending before the Labour Court, Salem. He has taken another plea that the Respondent Management has not permitted to join the duty after the illness which is a held statement without any proof and I am of the opinion that one way or other wants to get a job in the Respondent Management or in the Transport Corporation which cannot be encouraged by the adjudicators under labour Act. As such, I find this point against the petitioner.

#### Point No. 2

The next point to be decided in this case to what relief is the workman entitled to?

8. In view of my foregoing findings, I find the petitioner is not entitled to any relief.

9. Thus, the reference is answered accordingly.

(Dictated to the P.A., transcribed and typed by him, corrected and pronounced by me in the open court on this day the 4th December, 2007)

K. JAYARAMAN, Presiding Officer

#### Witnesses Examined :—

For the I Party/Petitioner: WW1 Sri.K. Ravichandran

For the II Party/Management: None

**Documents Marked :—**

From the petitioner's side

| Ex.Nos. | Date       | Description  |
|---------|------------|--|
| W1      | 05-08-1989 | Proforma   |
| W2      | 31-12-1993 | Identity Card of the petitioner  |
| W3      | 17-04-1998 | Representation given by the petitioner                                     |
| W4      | 22-04-2002 | Representation given by the petitioner                                     |
| W5      | 20-06-2004 | Representation given by the petitioner                                     |
| W6      | 10-09-2004 | Petition filed before the Conciliation Officer                             |
| W7      | 19-10-2004 | Order of Dismissal passed by the Respondent                                |
| W8      | —          | Counter Statement filed by the Respondent before the Conciliation Officer. |
| W9      | 17-05-2005 | Rejoinder filed by the petitioner  |

From the Management side

Ex.No. Date Description

Nil

नई दिल्ली, 10 मार्च, 2008

क्र.अ. 765.—औद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 17 के अनुसरण में, केन्द्रीय सरकार एन.एल.सी. एल. के प्रबंधन के संबद्ध निषेधकों और उनके कर्मचारों के बीच, अनुबंध में निर्दिष्ट औद्योगिक विवाद में केन्द्रीय सरकार औद्योगिक अधिकरण चैन्नई के संघट (संदर्भ संख्या 79/2005) को प्रकाशित करती है, जो केन्द्रीय सरकार को 10-03-2008 को प्राप्त हुआ था।

[सं. एल-22012/361/2004-आई. आर.(सी-II)]

अजय कुमार गौड़, डेस्क अधिकारी

New Delhi, the 10th March, 2008

S.O. 765.—In pursuance of Section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the Award (Ref. No. 79/2005) of the Central Government Industrial Tribunal-cum-Labour Court, Chennai as shown in the Annexure in Industrial Dispute between the management of Neyveli Lignite Corporation Limited, and their workmen, received by the Central Government on 10-03-2008

[No. L-22012/361/2004-IR (C-II)]

AJAY KUMAR GAUR, Desk Officer

ANNEXURE

BEFORE THE CENTRAL GOVERNMENT  
INDUSTRIAL TRIBUNAL-CUM-LABOUR COURT  
CHENNAI

Friday, the 7th December, 2007 ~

PRESENT: K. JAYARAMAN, Presiding Officer

**INDUSTRIAL DISPUTE No. 79/2005**

(In the matter of the dispute for adjudication under clause (d) of sub-section (1) and sub-section 2 (A) of Section 10 of the Industrial Disputes Act, 1947 (14 of 1947), between the Management of Neyveli Lignite Corporation Ltd. and their Workmen)

**BETWEEN**

Sri A. Chinnassamy : I Party/Petitioner

Vs.

The Chairman-cum : II Party/Management

Managing Director Neyveli

Lignite Corporation Ltd.

Neyveli

Appearance:

For the Petitioner : M/s. P.V.S. Gridhar Associates

For the Management : M/s. N.A.K. Sarma

**AWARD**

The Central Government, Ministry of Labour vide its Order No. L-22012/361/2004-IR(CM-II) dated 17-08-2005 referred the following Industrial Dispute to this Tribunal for adjudication.

The schedule mentioned in that order is:

"Whether the action of the management of Neyveli Lignite Corporation Ltd., Neyveli in dismissing the services of Sri A. Chinnassamy, T. Gr.III 'C' (PF No. 34366) is legal and justified? If not, to what relief the workman is entitled?"

2. After the receipt of Industrial Dispute, it was taken on file as I.D. No. 79/2005 and issued notices to both sides. Both sides entered appearance through their advocates and filed their claim statement and counter statement respectively.

3. The allegations of the petitioner in the claim statement are briefly as follows:—

The petitioner was joined as a worker in the Respondent Corporation on 25-09-1989 and he was provided this employment under the scheme of displaced land evictees. Subsequently, he was upgraded by the Respondent as Technical Grade-III on 17-03-2003. The petitioner got married with one Jothi on 06-06-2004 and the said Jothi gave birth to a female child viz. Shanhi. Though, they lived happily for 23 years till 1997, certain misunderstanding were arose and the petitioner subsequently resided separately. The relatives of the petitioner had instigated the petitioner's wife to harass him. Pursuant to that petitioner's wife filed a suit for maintenance before the Sub-Judge at Virudhachalam. In that, it is alleged that the petitioner had illicit contact with one Chandra and deserted her. While so, his wife had also made a false complaint to the Vigilance Officer of the Respondent-Management stating that he had contracted a second marriage with one Chandra and the same is

| Ex.No                                 | Date       | Description  |
|---------------------------------------|------------|--|
| Ex.W1                                 | 01-02-2002 | Identity Card of the petitioner  |
| Ex.W2                                 | 18-06-2001 | Maintenance petitioner in OS No. 81/01   |
| Ex.W3                                 | 13-08-2002 | Show Cause Notice  |
| Ex.W4                                 | 03-02-2003 | Letter enclosing Enquiry Report dated 27-11-2002   |
| Ex.W5                                 | 08-01-2003 | Order of the Disciplinary Authority  |
| Ex.W6                                 | 29-03-2003 | Representation to Appellate Authority  |
| Ex.W7                                 | 19-04-2003 | Order of Appellate Authority   |
| Ex.W8                                 | 20-06-2003 | Representation to the Director (Personal NLC Limited)                                      |
| Ex.W9                                 | 20-11-2003 | Reply to the Respondent to Asstt. Commissioner of Labour                                   |
| Ex.W10                                | 07-04-2004 | Representation of the Petitioner to the Assistant Commissioner (Central)                   |
| Ex.W11                                | 22-09-2004 | Representation of the Petitioner's wife Smt. Jothi to the Director (Personnel NLC Limited) |
| Ex.W12                                | 11-10-2004 | Failure report   |
| <b>For the II Party/Management :—</b> |            |  |
| Ex.No                                 | Date       | Description  |
| Ex.M1                                 | -          | Marriage invitation of Mrs. C. Santhi  |
| Ex.M2                                 | 22-02-2002 | Statement of the 1st party   |
| Ex.M3                                 | 01-03-2002 | Statement of C. Santhi   |
| Ex.M4                                 | 17-11-1989 | Copy of nomination of the 1st party  |
| Ex.M5                                 | 25-02-2002 | Letter of Principal, Md. School, Veppenkurichy   |
| Ex.M6                                 | 02-03-2002 | Statement of S. Gangabai   |
| Ex.M7                                 | -          | Statement of Veerasekaran  |
| Ex.M8                                 | -          | Marriage invitation of 1st party with Jothi  |
| Ex.M9                                 | -          | Counter filed by the Jothi in I.O.P. No. 81 of 2001, Sub-Court, Virudhachalam              |
| Ex.M10                                | -          | Enquiry Proceedings  |
| Ex.M11                                | 27-11-2002 | Enquiry report   |
| Ex.M12                                | 01-03-2002 | Statement of G. Jothi  |

नई दिल्ली, 11 मार्च, 2008

का.आ. 766.—औद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 17 के अनुसरण में, केन्द्रीय सरकार स्टेट बैंक ऑफ़ इंडिया के प्रबंधकों के संबद्ध नियोजकों और उनके कर्मचारों के बीच, अनुबंध में निर्दिष्ट औद्योगिक विवाद में औद्योगिक अधिकरण हैदराबाद के पंचाट (संदर्भ संख्या 20/1993) को प्रकाशित करती है, जो केन्द्रीय सरकार को 11-3-2008 को प्राप्त हुआ था।

[सं. एल-12025/01/2008-आई. आर. (बी-1)]

अजय कुमार, डेस्क अधिकारी

New Delhi, the 11th March, 2008

S.O. 766.—In pursuance of Section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the Award (Ref. No. 20/1993) of the Industrial Tribunal-cum-Labour Court-I, Hyderabad, as shown in the Annexure in Industrial Dispute between the management of State Bank of India, and their workmen, received by the Central Government on 11-3-2008

[No. L-12025/01/2008-IR (B-I)]

AJAY KUMAR, Desk Officer

## ANNEXURE

BEFORE THE CHAIRMAN  
INDUSTRIAL TRIBUNAL-I, AT HYDERABADPRESENT : Sri T. Anand, M.A., LL.B.,  
Chairman (FAC)

Dated this the 25th day of February 2008

Industrial Dispute No.20 of 1993

## BETWEEN:

1. Mohammed Hayath Khan (died)
  2. Aziz Khatoon W/o. (late) Hayath Khan
  3. Ismail Khan S/o. (late) Hayath Khan
  4. Abdul Hafeez Khan S/o. (late) Hayath Khan
  5. Shams Khatoon D/o. (late) Hayath Khan
  6. Faheema Khatoon D/o. (late) Hayath Khan
- (2 to 6 above are residing at No. 16-4-182/C Chanchalgud, Hyderabad)

(2 to 6 above are Legal Representatives of the deceased Petitioner No.1 and brought on record as Petitioners

Nos. 2 to 6 by order dated 8-10-2007 in

I.A.No.14/2007.)

.. Petitioners

And

Chief Regional Manager,

State Bank of India,

Hyderabad

.. Respondent

This case coming up before me for final hearing on 30-11-2007 in the presence of Sri. G.V.L.N. Murthy Advocate for the petitioner and Sri. B.G. Ravinder Reddy, having

**Documents Marked :—**

From the petitioner's side

| Ex.Nos. | Date       | Description  |
|---------|------------|--|
| W1      | 05-08-1989 | Proforma   |
| W2      | 31-12-1993 | Identity Card of the petitioner  |
| W3      | 17-04-1998 | Representation given by the petitioner                                     |
| W4      | 22-04-2002 | Representation given by the petitioner                                     |
| W5      | 20-06-2004 | Representation given by the petitioner                                     |
| W6      | 10-09-2004 | Petition filed before the Conciliation Officer                             |
| W7      | 19-10-2004 | Order of Dismissal passed by the Respondent                                |
| W8      | —          | Counter Statement filed by the Respondent before the Conciliation Officer. |
| W9      | 17-05-2005 | Rejoinder filed by the petitioner  |

From the Management side

| Ex.No. | Date | Description |
|--------|------|-------------|
|        |      | Nil         |

नई दिल्ली, 10 मार्च, 2008

क्र.आ. 765.—औद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 17 के अनुसरण में, केन्द्रीय सरकार एन.एल.सी. एल. के प्रबंधन के संबद्ध नियोजकों और उनके कर्मचारों के बीच, अनुबंध में निर्दिष्ट औद्योगिक विवाद में केन्द्रीय सरकार औद्योगिक अधिकरण चैन्नई के पंचाट (संदर्भ संख्या 79/2005) को प्रकाशित करती है, जो केन्द्रीय सरकार को 10-03-2008 को प्राप्त हुआ था।

[सं. एल-22012/361/2004-आई.आर.(सी-11)]

अजय कुमार गौड़, डेस्क अधिकारी

New Delhi, the 10th March, 2008

S.O. 765.—In pursuance of Section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the Award (Ref. No. 79/2005) of the Central Government Industrial Tribunal-cum-Labour Court, Chennai as shown in the Annexure in Industrial Dispute between the management of Neyveli Lignite Corporation Limited., and their workmen, received by the Central Government on 10-03-2008

[No.L-22012/361/2004-IR(C-II)]

AJAY KUMAR GAUR, Desk Officer

**ANNEXURE**

**BEFORE THE CENTRAL GOVERNMENT  
INDUSTRIAL TRIBUNAL-CUM-LABOUR COURT  
CHENNAI**

Friday, the 7th December, 2007

**PRESENT: K. JAYARAMAN, Presiding Officer****INDUSTRIAL DISPUTE No. 79/2005**

(In the matter of the dispute for adjudication under clause (d) of sub-section (1) and sub-section 2 (A) of Section 10 of the Industrial Disputes Act, 1947 (14 of 1947), between the Management of Neyveli Lignite Corporation Ltd. and their Workman)

**BETWEEN**

Sri A. Chinnasamy : I Party/Petitioner

Vs.

The Chairman-cum : II Party/Management

Managing Director Neyveli

Lignite Corporation Ltd.

Neyveli

Appearance:

For the Petitioner : M/s. P.V.S. Giridhar Associates

For the Management : M/s. N.A.K. Sarma

**AWARD**

The Central Government, Ministry of Labour vide its Order No. L-22012/361/2004-IR(CM-II) dated 17-08-2005 referred the following Industrial Dispute to this Tribunal for adjudication.

The schedule mentioned in that order is:

"Whether the action of the management of Neyveli Lignite Corporation Ltd., Neyveli in dismissing the services of Sri A. Chinnasamy, T. Gr.III 'C' (PF No. 34366) is legal and justified? If not, to what relief the workman is entitled?"

2. After the receipt of Industrial Dispute, it was taken on file as I.D. No. 79/2005 and issued notices to both sides. Both sides entered appearance through their advocates and filed their claim statement and counter statement respectively.

3. The allegations of the petitioner in the claim statement are briefly as follows:—

The petitioner was joined as a worker in the Respondent Corporation on 25-09-1989 and he was provided this employment under the scheme of displaced land evictees. Subsequently, he was upgraded by the Respondent as Technical Grade-III on 17-03-2003. The petitioner got married with one Jothi on 06-06-2004 and the said Jothi gave birth to a female child viz. Shanthi. Though, they lived happily for 23 years till 1997, certain misunderstanding were arose and the petitioner subsequently resided separately. The relatives of the petitioner had instigated the petitioner's wife to harass him. Pursuant to that petitioner's wife filed a suit for maintenance before the Sub-Judge at Vinadhachalam. In that, it is alleged that the petitioner had illicit contact with one Chandra and deserted her. While so, his wife had also made a false complaint to the Vigilance Officer of the Respondent-Management stating that he had contracted a second marriage with one Chandra and the same is

| Ex.No  | Date       | Description  |
|--------|------------|--|
| Ex.W1  | 01-02-2002 | Identity Card of the petitioner  |
| Ex.W2  | 16-06-2001 | Maintenance petitioner in OS No. 81/01   |
| Ex.W3  | 13-08-2002 | Show Cause Notice  |
| Ex.W4  | 03-02-2003 | Letter enclosing Enquiry Report dated 27-11-2002   |
| Ex.W5  | 08-01-2003 | Order of the Disciplinary Authority  |
| Ex.W6  | 29-03-2003 | Representation to Appellate Authority  |
| Ex.W7  | 19-04-2003 | Order of Appellate Authority   |
| Ex.W8  | 20-06-2003 | Representation to the Director (Personal NLC Limited)                                      |
| Ex.W9  | 20-11-2003 | Reply to the Respondent to Asstt. Commissioner of Labour                                   |
| Ex.W10 | 07-04-2004 | Representation of the Petitioner to the Assistant Commissioner (Central)                   |
| Ex.W11 | 22-09-2004 | Representation of the Petitioner's wife Smt. Jothi to the Director (Personnel NLC Limited) |
| Ex.W12 | 11-10-2004 | Failure report For the B Party/Management :—   |
| Ex.No  | Date       | Description  |
| Ex.M1  | -          | Marriage Invitation of Mrs. C. Santhi  |
| Ex.M2  | 22-02-2002 | Statement of the 1st party   |
| Ex.M3  | 01-03-2002 | Statement of C. Santhi   |
| Ex.M4  | 17-11-1989 | Copy of nomination of the 1st party  |
| Ex.M5  | 25-02-2002 | Letter of Principal, Md. School, Veppenkurichy   |
| Ex.M6  | 02-03-2002 | Statement of S. Gangabai   |
| Ex.M7  | -          | Statement of Veerasekaran  |
| Ex.M8  | -          | Marriage invitation of 1st party with Jothi  |
| Ex.M9  | -          | Counter filed by the Jothi in I.O.P. No. 81 of 2001, Sub-Court, Virudhachalam              |
| Ex.M10 | -          | Enquiry Proceedings  |
| Ex.M11 | 27-11-2002 | Enquiry report   |
| Ex.M12 | 01-03-2002 | Statement of G. Jothi  |

नई दिल्ली, 11 मार्च, 2008

का.आ. 766.—औद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 17 के अनुसरण में, केन्द्रीय सरकार स्टेट बैंक ऑफ इंडिया के प्रबंधकों के संबद्ध नियोजकों और उनके कर्मचारों के बीच, अनुबंध में निर्दिष्ट औद्योगिक विवाद में औद्योगिक अधिकरण हैदराबाद के फैवाट (संदर्भ संख्या 20/1993) को प्रकाशित करती है, जो केन्द्रीय सरकार को 11-3-2008 को प्राप्त हुआ था।

[सं. एल-12025/01/2008-आई. आर. (बी-1)]

अजय कुमार, डेस्क अधिकारी

New Delhi, the 11th March, 2008

S.O. 766.—In pursuance of Section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the Award (Ref. No. 20/1993) of the Industrial Tribunal-cum-Labour Court-I, Hyderabad, as shown in the Annexure in Industrial Dispute between the management of State Bank of India, and their workmen, received by the Central Government on 11-3-2008

[No. L-12025/01/2008-IR (B-I)]

AJAY KUMAR, Desk Officer

## ANNEXURE

BEFORE THE CHAIRMAN  
INDUSTRIAL TRIBUNAL-I, AT HYDERABADPRESENT: Sri T. Anand, M.A., LL.B.,  
Chairman (FAC)

Dated this the 25th day of February 2008

Industrial Dispute No.20 of 1993

## BETWEEN:

1. Mohammed Hayath Khan (died)
  2. Aziz Khatoon W/o. (late) Hayath Khan
  3. Ismail Khan S/o. (late) Hayath Khan
  4. Abdul Hafeez Khan S/o. (late) Hayath Khan
  5. Shams Khatoon D/o. (late) Hayath Khan
  6. Faheema Khatoon D/o. (late) Hayath Khan
- (2 to 6 above are residing at No. 16-4-182/C Chanchalgud, Hyderabad)

(2 to 6 above are Legal Representatives of the deceased Petitioner No.1 and brought on record as Petitioners

Nos. 2 to 6 by order dated 8-10-2007 in

I.A.No.14/2007.) .. Petitioners

And

Chief Regional Manager,

State Bank of India,

Hyderabad

.. Respondent

This case coming up before me for final hearing on 30-11-2007 in the presence of Sri. G.V.L.N. Murthy Advocate for the petitioner and Sri. B.G. Ravinder Reddy, having



stood over the same for consideration this court passed the following:

### AWARD

Government of India referred this Industrial Dispute for adjudication and to pass an Award in respect of

"Whether the action of the management of State Bank of India in terminating the services of Shri Mohammed Hayath Khan w.e.f. 28-12-1971 is legal and justified?"

If not, to what relief the workman is entitled?"

(2) After receiving the remand order from Hon'ble High Court in W.P.No.22960 of 1996 this Tribunal issued notice to both the Parties to appear before this Court. On 22-3-2007 the notice of the petitioner returned. Again this Court issued fresh notice to appear before this Tribunal on 17-4-2007. On 17-4-2007 both parties filed their continuation memo and the matter is posted for hearing.

(3) The brief facts in the claim statement of the petitioner are as follows:

It is respectfully submitted that he was initially appointed in the State Bank of India, Hyderabad Main Branch as Godown Watchman with effect from 10-9-1970 up to 28-12-1971 with temporary breaks in service in between and thus he had put in more than one year of continuous service. He was terminated without any notice with effect from 28-12-1971 and without any reasonable cause. Consequent upon the decision of the Hon'ble Supreme Court in the case between Sundara Money and State Bank of India, the Bank reinstated into service several hundreds of workmen who were all terminated like him without notice and without compliance of the provisions of the Industrial Disputes Act. As part of it, several such workmen were reinstated in several branches in Andhra Pradesh under the administrative control of Local Head Office and Zonal Office, Hyderabad, with full back wages from 16-1-1976, i.e., the date on which the judgment in Sundara Money case was pronounced by Hon'ble Supreme Court of India. On knowing the information, he made several oral and written representations to the Hyderabad Main Branch seeking reinstatement into service on the ground that he had put in one year of continuous service and that he was terminated without notice and without reasonable cause, between 1977 and 1985. On several such occasions, he was informed that the old records of the Hyderabad Main Branch showing evidence of his having served for a continuous period of one year were not readily traceable and that his case would be considered when the records were traced out. During the long period of 8 years when he was regularly paying visits to the Hyderabad Main Branch to enquire whether the old records were traced out, several other employees who were similarly terminated were reinstated with full back wages and other attendant benefits. He further submitted that during this period of 8 years between 1977-85, the Bank sent to him three letters rejecting his request for reinstatement and on three occasions the

Bank put forth three different reasons for rejecting his request for reinstatement. On the first occasion, the bank stated that his request could not be considered as the period between his initial appointment and that of his last termination was less than 12 calendar months, vide their letter No. SIB/Estt/1734, dated 21-9-1977. On the second occasion, the Bank regretted its inability to reinstate him on the ground that his service were terminated before 1-1-1975, vide letter No. Staff/1128 dated 13-6-1978. On the third occasion, he was informed by the Bank that his claim was rejected as it was stale vide letter of the Bank dated 5-12-1985. He submit that none of the reasons showed by the Bank in the three different letters cited above stand to the logic and test of law nor are justified. In reply to the first letter of the Bank, he sent a written representation with full month wise details of his employment together with number of payment orders through which he was paid salary with date of payment order and amount of the payment order from January 1971 to December 1971. To the second letter, he submitted that it was not justified to reject his claim in the face of several employees who were reinstated though they were also terminated prior to 1-1-1975. On the third occasion however he raised an industrial dispute before the Assistant Labour Commissioner (Central) Hyderabad and on the failure of the conciliation proceedings and on the rejection by the Government of India to refer the matter for adjudication, he had no other go except to file a Writ Petition before the Hon'ble High Court seeking reference of the dispute for adjudication and after the decision of the Hon'ble High Court, the dispute has since been referred to the Hon'ble Tribunal for adjudication. He respectfully submit that the action of the management in rejecting to reinstate him into service, in spite of his efforts to convince the Bank, is not at all justified particularly when several other employees who were similarly terminated like him were reinstated. Singling him out is an act of discrimination. Of all the cases of employees who were thus reinstated, he brought forth on record the case of Sri. Hayat Ali who also worked along with him during the same period and was terminated about the same time but was reinstated with full back wages in 1983. Sri. Hayat Ali served the bank from February 1971, up to December 1971 for a total period of 240 days as Godown Watchman and the total period of employment was only 11 months as against 434 days in his case. Sri Hayat Ali was paid back wages from 16-1-1976 onwards by bankers cheque on or about 12-10-1983. Sri Ali was also paid bonus for 7 years.

4. The Industrial Dispute was disposed off by the then Chairman, Industrial Tribunal-I, Hyderabad on 3rd April 1996 holding that the termination of the petitioner-workman from service w.e.f. 20-12-1971 is legal and justified and that the petitioner-workman is not entitled for any relief. Aggrieved by the Award passed by Industrial Tribunal-I, Hyderabad, the workman preferred a Writ Petition

letter dated 13-4-1976 by the respondent bank requesting the petitioner to furnish his order as temporary godown watchman. Ex-W3 is another letter by respondent to the petitioner dated 9-5-1978 asking him to clarify some of the points mentioned in his earlier letter. Ex-W4 is another letter by respondent bank to the petitioner expressing their inability to reinstate him, the said letter is dated 13-6-1978. Ex-W5 is letter addressed by the petitioner to respondent bank giving particulars of his salary drawn by him from January, 1971 till December 1971. It is also mentioned that he worked for 329 days without any break. Ex-W6 is letter dated 10-03-1984 addressed by the deceased petitioner to the Personnel Manager of respondent bank, wherein he stated that large number ex-temporary employees who were terminated without notice were again reinstated and requesting to extend the same benefit to him as he worked as cash credit watchman at M/s. Gowtham Rolling Mills Moulali Hyderabad after appointment by the bank. In Ex-W6 also, the petitioner has given particulars of payments received by him from 30-9-1970 to 12/1971. Ex-W8 is the letter by respondent bank dated 11-6-1994 to the petitioner asking him to visit the bank on 20-6-1994 at 3.30 PM for negotiations in connection with re-employment into the bank. Ex-W7 is the letter issued by respondent bank on 5-12-1985 informing to deceased petitioner that his claim is rejected as stale claim. Ex-W9 is letter addressed by the deceased petitioner on 9-7-1994 to Deputy General Manager respondent bank requesting to reinstate him. Ex-W10 is the minutes of discussions held before the Assistant Labour Commissioner. Ex-W11 is the order of the Hon'ble High Court's Writ petition No. 16307/1986 filed by one Hayath Ali. This order was filed to show that Mirza Hayath Ali who was similarly placed like deceased petitioner who was removed in 1971 while working as temporary godown keeper was again reinstated in 1976 by respondent bank.

11. The contention of the respondent counsel is that there is delay of 7 years in the first spell and again in the second spell there is delay of another 7 years making it 14 years altogether and so the petitioner has not shown diligence in raising the Industrial Dispute and bank has rightly rejected his claim on the ground that it has become stale. The counsel for the petitioner submitted that in 1976 the said bank has issued circular to reinstate several employees who were terminated from service from 1975 onwards and many employees applied for reinstatement and got reinstatement in 1976. It is also contended that there was unrest in the banking sector soon after the judgment in Sundermoney's case in 1976 by Hon'ble Supreme Court. So, the delay caused from 1971 to 1976 in raising dispute by the petitioner cannot be attributed to the petitioner because the legal position was settled in 1976 only. With regard to delay of second spell i.e., from 1977 to 1985 it is the bank which has dragged on the matter without closing the issue. Only in 1985 the bank rejected the claim of the petitioner on the ground it has become

stale. It is contended that the respondent bank has to be blamed for making the claim stale and there are no latches on the part of the petitioner. It is contended that in between 1977 and 1985 several inconsistent stands were taken by the bank without closing the issue once for all. The documentary evidence shows that the petitioner was informed that it is not possible for the bank to reinstate him into service as early as on 13-6-1978 as evidenced by Ex-W4. There may be some correspondence subsequent to Ex-W5 but merely because some correspondence was entertained by the bank, it cannot be said that the bank has to be blamed for not closing Issue for several years. In my view the issue has been closed on 13-6-1978 itself.

12. WW1 in the cross examination stated as follows:

"In response to the letter dated 13-4-1978 which has been filed in Ex-W2, I have not furnished any appointment order. It is not true to say that I have not gone to the Respondent Bank in response to the letter dated 9-5-1978 which is marked as Ex-W3. I do not remember whether I have made any written representation clarifying the aspects called for in Ex-W2. I am aware that the Bank has issued a Circular in 1976 whereunder only those people who have worked after 1-1-1975 were being called back in service."

13. In view of the above evidence of WW1 it cannot be said that there are no latches on the part of the petitioner in pursuing the matter. The petitioner has raised dispute in 1985 and kept quite till 10-03-1994 and he raised the dispute before conciliation officer. The conciliation officer considered failure report and thereafter on the representation made by the respondent bank rejected the case of the petitioner to refer the dispute under Section 10 (1)(d) of the Industrial Dispute Act. The petitioner herein preferred Writ Petition on the file of High Court of Andhra Pradesh and the said Writ Petition was dismissed on 04-04-1990. Again on the basis of the letter filed by the counsel for the petitioner that there was a mistake in the relief portion, the matter was posted before the bench on 4-3-1993 and on 4-3-1993 order dated 4-4-1990 was modified with a direction to the government to refer the case to the petitioner to Industrial Tribunal. So from 1995 onwards one litigation or the other was pending between the petitioner and the bank. The petitioner died on 14-10-1997. In the writ petition 22960/96. His Lordship Justice Sri. Ramesh Ranganathan observed that it is for the Labour Court, if it finds that the delay was inordinate or belated, to decide whether any relief should be granted to the workman or he should be refused the relief. For them it is also open to the Tribunal to appropriately mould the relief even in cases where the dispute has been belatedly raised.

14. In view of the said observation, I am of the view that though there are latches on the part of the petitioner from 1971 to 1985 for a period of 14 years in raising the dispute, the petitioner can be awarded reasonable compensation from 1985 till his death in 1997. The LRs of deceased petitioner are continuing the litigation after the

stood over the same for consideration this court passed the following:

#### AWARD

Government of India referred this Industrial Dispute for adjudication and to pass an Award in respect of

"Whether the action of the management of State Bank of India in terminating the services of Shri Mohammed Hayath Khan w.e.f. 28-12-1971 is legal and justified?

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Bank put forth three different reasons for rejecting his request for reinstatement. On the first occasion, the bank stated that his request could not be considered as the period between his initial appointment and that of his last termination was less than 12 calendar months, vide their letter No. SIB/Estt/1734, dated 21-9-1977. On the second occasion, the Bank regretted its inability to reinstate him on the ground that his service were terminated before 1-1-1975, vide letter No. Staff/1128 dated 13-6-1978. On the third occasion, he was informed by the Bank that his claim was rejected as it was stale vide letter of the Bank dated 5-12-1985. He submit that none of the reasons showed by the Bank in the three different letters cited above stand to the logic and test of law nor are justified. In reply to the first letter of the Bank, he sent a written representation with full month wise details of his employment together with number of payment orders through which he was paid salary with date of payment order and amount of the payment order from January 1971 to December 1971. To the second letter, he submitted that it was not justified to reject his claim in the face of several employees who were reinstated though they were also terminated prior to 1-1-1975. On the third occasion however he raised an industrial dispute before the Assistant Labour Commissioner (Central) Hyderabad and on the failure of the conciliation proceedings and on the rejection by the Government of India to refer the matter for adjudication, he had no other go except to file a Writ Petition before the Hon'ble High Court seeking reference of the dispute for adjudication and after the decision of the Hon'ble High Court, the dispute has since been referred to the Hon'ble Tribunal for adjudication. He respectfully submit that the action of the management in rejecting to reinstate him into service, in spite of his efforts to convince the Bank, is not at all justified particularly when several other employees who were similarly terminated like him were reinstated. Singling him out is an act of discrimination. Of all the cases of employees who were thus reinstated, he brought forth on record the case of Sri. Hayat Ali who also worked along with him during the same period and was terminated about the same time but was reinstated with full back wages in 1983. Sri. Hayat Ali served the bank from February 1971 up to December 1971 for a total period of 240 days as Godown Watchman and the total period of employment was only 11 months as against 434 days in his case. Sri Hayat Ali was paid back wages from 16-1-1976 onwards by bankers cheque on or about 12-10-1983. Sri Ali was also paid bonus for 7 years.

4. The Industrial Dispute was disposed off by the then Chairman, Industrial Tribunal-I, Hyderabad on 3rd April 1996 holding that the termination of the petitioner-workman from service w.e.f. 20-12-1971 is legal and justified and that the petitioner-workman is not entitled for any relief. Aggrieved by the Award passed by Industrial Tribunal-I, Hyderabad, the workman preferred a Writ Petition.

letter dated 13-4-1976 by the respondent bank requesting the petitioner to furnish his order as temporary godown watchman Ex-W3 is another letter by respondent to the petitioner dated 9-5-1978 asking him to clarify some of the points mentioned in his earlier letter. Ex-W4 is another letter by respondent bank to the petitioner expressing their inability to reinstate him, the said letter is dated 13-6-1978. Ex-W5 is letter addressed by the petitioner to respondent bank giving particulars of his salary drawn by him from January, 1971 till December 1971. It is also mentioned that he worked for 329 days without any break. Ex-W6 is letter dated 10-03-1984 addressed by the deceased petitioner to the Personnel Manager of respondent bank, wherein he stated that large number ex-temporary employees who were terminated without notice were again reinstated and requesting to extend the same benefit to him as he worked as cash credit watchman at M/s. Gowtham Rolling Mills Moulali Hyderabad after appointment by the bank. In Ex-W6 also, the petitioner has given particulars of payments received by him from 30-9-1970 to 12/1971. Ex-W8 is the letter by respondent bank dated 11-6-1994 to the petitioner asking him to visit the bank on 20-6-1994 at 3.30 PM for negotiations in connection with re-employment into the bank. Ex-W7 is the letter issued by respondent bank on 5-12-1985 informing to deceased petitioner that his claim is rejected as stale claim. Ex-W9 is letter addressed by the deceased petitioner on 9-7-1994 to Deputy General Manager respondent bank requesting to reinstate him. Ex-W10 is the minutes of discussions held before the Assistant Labour Commissioner. Ex-W11 is the order of the Hon'ble High Court's Writ petition No. 16307/1986 filed by one Hayath Ali. This order was filed to show that Mirza Hayath Ali who was similarly placed like deceased petitioner who was removed in 1971 while working as temporary godown keeper was again reinstated in 1976 by respondent bank.

11. The contention of the respondent counsel is that there is delay of 7 years in the first spell and again in the second spell there is delay of another 7 years making it 14 years altogether and so the petitioner has not shown diligence in raising the Industrial Dispute and bank has rightly rejected his claim on the ground that it has become stale. The counsel for the petitioner submitted that in 1976 the said bank has issued circular to reinstate several employees who were terminated from service from 1975 onwards and many employees applied for reinstatement and got reinstatement in 1976. It is also contended that there was unrest in the banking sector soon after the judgment in *Sundermoney's case* in 1976 by Hon'ble Supreme Court. So, the delay caused from 1971 to 1976 in raising dispute by the petitioner cannot be attributed to the petitioner because the legal position was settled in 1976 only. With regard to delay of second spell i.e., from 1977 to 1985 it is the bank which has dragged on the matter without closing the issue. Only in 1985 the bank rejected the claim of the petitioner on the ground it has become

stale. It is contended that the respondent bank has to be blamed for making the claim stale and there are no latches on the part of the petitioner. It is contended that in between 1977 and 1985 several inconsistent stands were taken by the bank without closing the issue once for all. The documentary evidence shows that the petitioner was informed that it is not possible for the bank to reinstate him into service as early as on 13-6-1978 as evidenced by Ex-W4. There may be some correspondence subsequent to Ex-W5 but merely because some correspondence was entertained by the bank, it cannot be said that the bank has to be blamed for not closing issue for several years. In my view the issue has been closed on 13-6-1978 itself.

12. WW1 in the cross examination stated as follows:

"In response to the letter dated 13-4-1978 which has been filed in Ex-W2, I have not furnished any appointment order. It is not true to say that I have not gone to the Respondent Bank in response to the letter dated 9-5-1978 which is marked as Ex-W3. I do not remember whether I have made any written representation clarifying the aspects called for in Ex-W2. I am aware that the Bank has issued a Circular in 1976 whereunder only those people who have worked after 1-1-1975 were being called back in service."

13. In view of the above evidence of WW1 it cannot be said that there are no latches on the part of the petitioner in pursuing the matter. The petitioner has raised dispute in 1985 and kept quite till 10-03-1994 and he raised the dispute before conciliation officer. The conciliation officer considered failure report and thereafter on the representation made by the respondent bank rejected the case of the petitioner to refer the dispute under Section 10 (1)(d) of the Industrial Dispute Act. The petitioner herein preferred Writ Petition on the file of High Court of Andhra Pradesh and the said Writ Petition was dismissed on 04-04-1990. Again on the basis of the letter filed by the counsel for the petitioner that there was a mistake in the relief portion, the matter was posted before the bench on 4-3-1993 and on 4-3-1993 order dated 4-4-1990 was modified with a direction to the government to refer the case to the petitioner to Industrial Tribunal. So from 1995 onwards one litigation or the other was pending between the petitioner and the bank. The petitioner died on 14-10-1997. In the writ petition 22960/96 His Lordship Justice Sri. Ramesh Ranganathan observed that it is for the Labour Court, if it finds that the delay was inordinate or belated, to decide whether any relief should be granted to the workman or he should be refused the relief. For them it is also open to the Tribunal to appropriately mould the relief even in cases where the dispute has been belatedly raised.

14. In view of the said observation, I am of the view that though there are latches on the part of the petitioner from 1971 to 1985 for a period of 14 years in raising the dispute, the petitioner can be awarded reasonable compensation from 1985 till his death in 1997. The LR's of deceased petitioner are continuing the litigation after the

death of the petitioner. As per Section 25-F(b) compensation equivalent to 15 days average day for every completed year of continuous service or any part thereof in excess of six months can be awarded in lieu of reinstatement. In my view the petitioner can be awarded a sum of Rs.12000/- (calculated @ 1000/- per month from 1985 to 1997) with interest at 6% per annum from the date of filing I.D. till the date of payment.

15. Accordingly the award is answered directing the payment of Rs.12,000/- per annum with interest at 6% per annum from the date of filing I.D till the date of payment as compensation from 1985 to 1997. The reference is answered accordingly. The parties are directed to bear their own costs.

(Dictated to the Stenographer, transcribed by him, corrected and pronounced by me in the open court on this the 25th day of February 2008.)

T. ANAND, Chairman

#### APPENDIX OF EVIDENCE

Witnesses examined for the petitioner

WW1: Mohd Hayath Khan

WW2: S. Adinarayana Murthy

Witnesses examined for the Respondent

MW1: T. Nagendra Prasad

#### Documents marked for the Petitioner

- Ex-W1 : Letter dated 21-9-1977 of the respondent informing that the bank has regretted to reinstate the workman.
- Ex-W2 : Letter dated 13-4-1978 of the respondent informing that the bank has regretted to reinstate the workman.
- Ex-W3 : Letter dated 9-5-1978 of the respondent informing that the bank has regretted to reinstate the workman.
- Ex-W4 : Letter dated 13-6-1978 of the respondent informing the petitioner that the bank has not reinstated the petitioner.
- Ex-W5 : Copy of the letter dated 4-10-1985 of the petitioner.
- Ex-W6 : Copy of the letter dated 10-3-1984 of the petitioner for payment of salary.
- Ex-W7 : Copy of the letter dated 5-12-1985 of the respondent Regional Office to the Branch Manager of the Bank.
- Ex-W8 : Copy of the letter dated 11-6-1994 respondent calling for negotiations.
- Ex-W9 : Copy of the representation dated 9-7-1994 of the petitioner demanding for reinstatement.
- Ex-W10 : Copy of the Minutes of discussion held before the Assistant Labour Commissioner dated 30-3-1981 along with its Annexures.
- Ex-W11 : Order copy of Writ Petition No. 16307/1986

#### Documents marked for the Respondent

- Ex-M1 : Xerox copy of the Circular dated 15-9-1976
- Ex-M2 : Xerox copy of the extract of chapter 23 recruitment to subordinate cadre.

After Remand

Nil

नई दिल्ली, 11 मार्च, 2008

का.आ. 767.—औद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 17 के अनुसरण में, केन्द्रीय सरकार स्टेट बैंक ऑफ त्रावनकोर के प्रबंधन के संबद्ध नियोजकों और उनके कर्मचारों के बीच, अनुबंध में निर्दिष्ट औद्योगिक विवाद में केन्द्रीय सरकार औद्योगिक अधिकरण/श्रम न्यायालय इरनाकुलम के पंचाट (संदर्भ संख्या 167/2007) को प्रकाशित करती है, जो केन्द्रीय सरकार को 11-3-2008 को प्राप्त हुआ था।

[सं. एल-12012/101/1997-आई आर(बी-1)]

अजय कुमार, डेस्क अधिकारी

New Delhi, the 11th March, 2008

S.O. 767.—In pursuance of Section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the award (Ref. No. 167/2007) of the Central Government Industrial Tribunal-cum-Labour Court, ERNAKULAM as shown in the Annexure in the Industrial Dispute between the management of State Bank of Travancore, and their workmen, received by the Central Government on 11-3-2008.

[No. L-12012/101/1997-IR (B-1)]

AJAY KUMAR, Desk Officer

#### ANNEXURE

#### IN THE CENTRAL GOVERNMENT INDUSTRIAL TRIBUNAL-CUM-LABOUR COURT, ERNAKULAM

Present: Shri P. L. Norbert, B. A., L.L.B., Presiding Officer

(Friday the 12th day of January, 2007)

I D. 167/2007

(I.D.2/1998 of Labour Court, Ernakulam)

- Workman : P.K. Unni,  
Lakshmi Vihar, Paduppariyaram  
Palakkad-678733.  
Adv. Shri T. C. Krishna
- Management : The regional Manager,  
State Bank of Travancore  
Zonal Office, Maroor Road,  
Calicut-763024.  
Adv. Shri Vinod Chandran.

#### AWARD

This is a reference made by Central Government under Section 10 (1)(d) of Industrial Disputes Act, 1947 for adjudication. The reference is :—

"Whether the action of the management of State Bank of Travancore in dismissing the services of Shri P.K. Unni, Cashier-Clerk from 27-6-96 is justified? If not, to what relief the workman is entitled?"

2. A preliminary order was passed regarding validity of enquiry and it was found by order dated 19-12-2006 that the enquiry is not valid for the reasons that the workman was not allowed to be assisted by a defence representative, that copies of documents relied on by the management were not furnished to the workman on time, that the workman was not allowed to be present and participate in the enquiry proceeding, that after two sittings the evidence on management side was adduced on 27-1-1995 without the presence of the workman and that the workman was not allowed to make submissions during enquiry. After the preliminary order the reference was posted for further evidence. But the management remained absent and there was no representation. Hence the worker was heard and the case was taken for award.

3. The facts in brief are as follows :

The workman was a Cashier in State Bank of Travancore in Koliyadi Branch of Wynad District. On allegations of misconduct he was suspended from service on 14-3-1994. Thereafter a charge-sheet was issued to him, domestic enquiry was conducted and he was found guilty of the charges. In June, 1996 he was dismissed from service. The workman has denied the charges against him and has questioned the manner in which domestic enquiry was conducted. His case is that the enquiry officer violated the rule of natural justice and evidence was adduced *ex parte* and he was not given fair opportunity, etc. The management on the other side justifies the enquiry proceedings and contends that fair opportunity was given to the workman. But he was making all kinds of troubles and creating obstruction in proceeding with the enquiry and hence the enquiry had to be conducted in the absence of the workman. However, there is no violation of principles of natural justice. The charges were of grave nature and hence the punishment of dismissal was warranted.

4. Since the enquiry is found to be invalid what remains to be considered are :

- (1) Are the findings sustainable?
- (2) Is the punishment proportionate?

The evidence consists of oral testimony of WWI on the side of workman and MWI and documentary evidence of Exts. M1 to M8 on the side of the management.

5. Point No. (1)

I have found in the preliminary order that the enquiry is not valid for the reasons that the delinquent was not allowed to participate in the enquiry, that the management's evidence was adduced in the absence of the workman, that the workman was not allowed to be represented by a co-worker, that copies of documents were not furnished to him on time and a few more reasons. Hence it is the burden

of the management to substantiate the charges before this court by adducing additional evidence. But they have not made any attempt to do so. There is no prayer in the written statement to adduce fresh evidence in order to substantiate the charges. A petition for amendment and incorporation of a prayer for adducing fresh evidence was filed before State Labour Court where the reference was originally pending as M.P. 53/2002. But that court deferred the decision to the final stage along with the reference. The learned counsel for the workman submits on the basis of the decision of Hon'ble Supreme Court in K.S.R.T.C. v. Lakshmi Devamma 2001 II-L.L.J. 199 (5-Judges bench), para 17 that the permission to adduce fresh evidence should be sought at the earliest opportunity, that is, when the written statement is filed. There is no prayer in the written statement and despite a petition for permission to adduce fresh evidence, even now the management has not come forward to adduce evidence.

6. The charges levelled against the workman are enumerated in Ext. M1 Charge Memo (page 2). There are ten charges against him. The main charges are, that he disobeyed the instructions of the branch manager, that he abused the branch manager in the presence of customers and staff more than once, that he was negligent in his duty and that he was absent unauthorizedly. Out of the 10 charges all except charge no. 3 were found against the workman by the enquiry officer. The enquiry report is contained in pages 25 to 33 of Ext. M1. Seven witnesses were examined in the enquiry and 24 documents were marked on the side of management. The list of witnesses and documents are annexed to the report as Annexure-I at page 34 of Ext. M1. But the entire evidence was adduced without the presence of the workman. By Ext. M7 he was asked not to be present during the enquiry by the enquiry officer. Thus, evidence was adduced *ex parte* though the workman did not want to remain *ex parte*. In the light of preliminary order that the enquiry is not valid and in view of the fact that evidence was adduced *ex parte*, the findings of enquiry officer cannot be sustained without fresh evidence on record. But the management remained absent and no fresh evidence was tendered. Hence I find that the findings of enquiry officer are not sustainable.

7. Point No. (2)

In view of the above observation that the findings of enquiry officer are not sustainable it follows that the punishment imposed too cannot be sustained. The disciplinary authority had given an opportunity for personal hearing, as seen from page 71 of Ext. M1 preliminary order of disciplinary authority. The final order was passed by the disciplinary authority on 27-6-1996 and it is contained in page 76, whereby the punishment of dismissal was imposed. However, since the charges are not proved the order of punishment has to be set aside.

8. In the result, an award is passed finding that the action of the management in dismissing Shri P.K. Unni,

Cashier-Clerk from 27-6-1996, is not legal and justifiable. He is entitled to be reinstated with back wages and consequential benefits. No cost. The award will take effect one month after its publication in the official Gazette.

Dictated to the Personal Assistant, transcribed and typed by her, corrected and passed by me on this the 12th day of January, 2007.

P. L. NORBERT, Presiding Officer

#### APPENDIX

Witness for the Workman:

WW1-Shri P.K. Unni.

Witness for the Management:

MW1-Shri Rama Chandran.

Exhibits for the Workman:

Nil.

Exhibits for the management:

M1- Domestic Enquiry File.

M1(a)- Copy of enquiry proceedings including deposition.

M2- Copy of notice dated 3-11-1994 reg. enquiry.

M3- Letter dated 12-11-1994 sent by workman to the Regional Manager of the Bank.

M4- Copy of notice dated 8-12-1994 reg. enquiry issued by enquiry officer to the workman.

M5- Letter dated 23-12-1994 sent by the workman to the enquiry officer.

M6- Letter dated 13-1-1995 sent by the workman to the enquiry officer.

M7- Notice dated 16-2-1995 issued by the enquiry officer to the workman.

M8- Letter dated 4-3-1995 sent by the workman to the enquiry officer.

नई दिल्ली, 11 मार्च, 2008

कर.आ. 768.—औद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 17 के अनुसरण में, केन्द्रीय सरकार हैवी वीकल्स फैक्ट्री के प्रबंधन के संबंध नियोजकों और उनके कर्मचारों के बीच, अनुबंध में निर्दिष्ट औद्योगिक विवाद में केन्द्रीय सरकार औद्योगिक अधिकरण/श्रम न्यायालय, चेन्नई के पंचाद (संदर्भ संख्या 88/2006) को प्रकाशित करती है, जो केन्द्रीय सरकार को 11-3-2008 को प्राप्त हुआ था।

[सं. एल-14012/43/1998-आई आर(टी यू)]

सुरेन्द्र सिंह, डेस्क अधिकारी

New Delhi, the 11th March, 2008

S.O. 768.—In pursuance of Section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the award (Ref. No. 88/2006) of the Central Government Industrial Tribunal-

cum-Labour Court, Chennai as shown in the Annexure in the Industrial Dispute between the employers in relation to the management of Heavy Vehicle Factory and their workman, which was received by the Central Government on 11-3-2008.

[No. L-14012/43/1998-IR(DU)]

SURENDRA SINGH, Desk Officer

ANNEXURE

#### BEFORE THE CENTRAL GOVERNMENT INDUSTRIAL TRIBUNAL-CUM-LABOUR COURT, CHENNAI

Thursday, 6th December, 2007

Present: K. Jayaraman, Presiding Officer

INDUSTRIAL DISPUTE No. 88/2006

(In the matter of the dispute for adjudication under clause (d) of sub-section (1) and sub-section 2(A) of Section 10 of the Industrial Disputes Act, 1947 (14 of 1947), between the Management of Heavy Vehicles Factory, Avadi and their workman)

BETWEEN:

Sri M. Ramanathan. : First Party/Petitioner

Vs

The General Manager, : II Party/Management  
Heavy Vehicles Factory,  
Avadi, Chennai

APPEARANCE:

For the petitioner : M/s. S.R. Rajagopal  
& Others

For the management : Ms. T. Vijayakumari

#### AWARD

The Central Government, Ministry of Labour vide its Order No. L-14012/43/98-IR(DU) dated 16-02-1999 referred the following industrial dispute to the Tamil Nadu Industrial Tribunal, Chennai.

The schedule mentioned in that order is:

"Whether the Management of Heavy Vehicles Factory, Avadi is legal and justified in removing Sri M. Ramanathan, Machinist 'B' from his services and if not to what relief the workman is entitled?"

2. After the receipt of this Industrial Dispute the Tamil Nadu Industrial Tribunal has numbered it as ID 40/99 and issued notices to both sides. Both sides entered appearance and filed their claim and counter statement respectively and the Tamil Nadu Industrial Tribunal has disposed of the matter on 31-01-2001 against the petitioner. As against this, a Writ Petition was filed in WP No. 10709 of 2001 by the petitioner before the Hon'ble High Court. The Hon'ble High Court on 17-04-2006 passed an order remanding the matter to the Central Govt. Industrial Tribunal-cum-Labour Court to dispose the matter on merits. After receiving the same, this Tribunal has numbered it as I.D. 88/2006 and proceeded with the enquiry.

3. The allegation in the claim statement are briefly as follows :—

The petitioner was a Machinist 'B' in Heavy Vehicles Factory, Avadi. He joined in the year 1965. He was elected as a member of the works committee and was elected member of the loans committee in 1966. He was also a treasurer of the Heavy Vehicles Factory Employees' Union from 1966. The Respondent Management was bent upon victimizing the petitioner and removed him from service. So, he was suspended from 11-01-1970 for certain alleged disciplinary proceedings, a Charge Memo was issued to him listing out certain charges. The main charge against the petitioner is that of frequent absenteeism from work spot, late attendance, group meetings/discussions within the factory premises and inciting workers to desist from doing their duties. The work of the petitioner as works committee member and as a union representative has been cited as instance of the charges. An Enquiry Officer was appointed. The Enquiry Officer was an Asstt. Manager who was far inferior to the General Manager. Though, the petitioner questioned the appointment of the Asstt. Manager as Enquiry Officer, he was not changed, obviously he was biased and not independent. The case of the petitioner to examine the General Manager of the factory as defense witness was rejected by the Enquiry Officer on the ground that he was a senior officer and therefore he cannot be examined as witness. The General Manager had visited the shop of the petitioner and he used to take the petitioner along with him when he visited the factory, but his request for examining his defense witness was turned down by the Enquiry Officer which amounts to violation of principles of natural justice. The Enquiry Officer submitted his report and the Disciplinary Authority passed a final order of removal from his service from 27-02-1971. The Respondent viz. the General Manager was in a position of witness in respect of certain charges. He visited the factory on 11-12-1970 and was a witness to the incident. Being in a position of a witness, he is not competent to pass the final order in the petitioner's case. He is biased and prejudiced against the petitioner. The Enquiry Officer was conducted the enquiry in a hasty manner and the entire enquiry was disposed off within two months from the date of enquiry. It was a case of predetermination to victimize the petitioner for his trade union activities. The Respondent viz. the General Manager had given permission to works committee members one hour every day together grievances of workers. The charge mainly related to absence from work spot, group discussions/meetings, incitement of stoppage of work. Therefore, these charges mainly arise out of vindictiveness for his trade union activities. Even an appeal preferred by the petitioner was rejected by the Govt. with a non-speaking order. The petitioner's fact to various charges while without any reason rejected and his efforts were of no avail. The I.D. relating to the petitioner's non-employment was kept alive throughout and was existing, the Regional Labour Commissioner (C), Chennai took up

the dispute for conciliation and since the Respondent Management did not come for any meaningful discussion, the labour authorities sent the failure report to the Govt. and the Govt. referred the same for adjudication. Since findings of the Enquiry Officer was perverse and not based on any legal evidence but only on assumption and presumption, the order of penalty imposed by the Disciplinary Authority is illegal. Hence, the petitioner prays this Tribunal to pass an award holding that the removal of the petitioner from service by the Respondent is not justified and direct the Respondent for reinstatement with back wages and continuity of service.

4. As against this, the Respondent through the works manager of Heavy Vehicles Factory, Avadi filed a counter affidavit wherein it is alleged the Heavy Vehicles Factory is one among the Indian Ordnance Factories and the activities of the Ordnance Factories cannot be considered as a Industry under the I.D. Act. The petitioner was removed from service on disciplinary grounds on 27-02-1971 after following the procedure as given under CCS (CC&A) Rules in 1965. The petitioner has not stated for what reason, he has kept silent for 25 years, therefore the matter is time barred and the reason given in the dispute in agitating the matter now are frivolous and not sustainable before law and is liable to be rejected on this score alone. As per the Administrative Tribunal Act, no Court shall have or entitled to exercise any jurisdiction, powers or authority in relation to recruitment or such service matters since the petitioner was an ex-employee of the factory and he cannot seek through Industrial Tribunal. Therefore, this Tribunal has no jurisdiction to try this case. The petitioner who is an ex-employee of the Heavy Vehicles Factory has to abide by the Security Standing Instruction, CCS (Leave) Rules etc. and he cannot claim exemption from rules on the pretext of being so call union representative of unrecognized union and no act or rule provides protection for such violations. The action taken by the Respondent Management does not constitute of I.D. by any stretch of imagination. Since the removal order has been issued in accordance with Rule 14 of CCS (CCA) Rules, the remedy for the petitioner was to approach the Hon'ble High Court and that too within a reasonable period of time and therefore, the agitation before this Tribunal is hopelessly debarred by limitation because 18 years have elapsed Hence, for all these reasons, the Respondent prays that the claim may be dismissed with costs.

#### Points for determination are:

- (i) Whether the action of the management in removing the petitioner from service is legal and justified?
- (ii) To what relief the petitioner is entitled?

#### Point No. 1

5. This dispute was raised by the petitioner against his removal from service by the Respondent Management.



Five charges were framed against the petitioner and the Disciplinary Authority after following the procedure has removed him from service. The petitioner alleged the main charges against him are that he was in frequent absenteeism from work, he was come to office late and he conducted group meetings/discussions within factory premises and inciting the workers to desist from doing their duties. Accordingly to the petitioner, all these charges were made to victimize him only for his trade union activities. It is his further contention, the Enquiry Officer was an Asstt. Manager who was far inferior to the General Manager who is the Disciplinary Authority. Since, the Enquiry Officer is subordinate to the Disciplinary Authority, no justice could be expected from the Enquiry Officer. Even though, he was questioned this appointment of Enquiry Officer, the Enquiry Officer was not changed. Therefore, the Enquiry Officer was biased and not independent. The next contention is the enquiry was not conducted in a just and proper manner. Though, the petitioner requested the Enquiry Officer to let him examine the General Manager of the factory as defence witness, since he was a witness for the incident, alleged to have taken place on 11-12-1970, it was refused by the Enquiry Officer on the ground since he is a senior officer and since he is the Disciplinary Authority, he cannot be summoned as witness and petitioner alleged this amounts to violation of principles of natural justice. The enquiry was conducted in a hasty manner and the matter was disposed off within two weeks from the date of issuance of charge sheet i.e. within a short span of less than two months. Since the authorities have pre-determined to victimize the petitioner for his trade union activities, the same was imposed on him. In this case, the learned counsel for the petitioner argued that the Respondent himself has given permission to works committee members one hour permission every day to gather grievances of the workers. It is also admitted by the Respondent Management that the petitioner is a member of the works committee and he is also representative of the union though the union has not been recognized by the Respondent Management. The learned counsel for the petitioner further contended that the charges mainly related to absence from work spot, group discussions/meetings, incitement of stoppage of works but all these charges mainly arise out of vindictiveness for the petitioner's trade union activities and therefore he prays this Tribunal has to pass an award in favour of the petitioner.

6. But on behalf of the Respondent, it is contended firstly that the ordnance factory is not an industry and therefore it is excluded from the relevant provisions of ID act and therefore the dispute is not maintainable. Secondly, the petitioner is Ex-Central Govt. servant covered under CCS (CCA) Rules and a charge sheet was issued against him and in a duly conducted enquiry, he was removed from service for the misconduct and even if he got any

grievance against the order passed by the Disciplinary Authority, he has to ventilate his grievance before the Central Administrative Tribunal (CAT) and not by choosing this forum. Though, the order of removal was passed on 27-02-1971 and his appeal to the Govt. has been rejected on 04-03-1971 and even the petition given to the Ministry of Defence was rejected on 21-02-1972, the petitioner has not given any valid reason for keeping silent for 25 years and therefore it is time barred and agitating the matter now after a long lapse of time is not maintainable. Even assuming without conceding that he has got remedy, he has to approach the Hon'ble High Court in the writ jurisdiction within a reasonable time and therefore he cannot raise a dispute after 25 years before this Tribunal. In the domestic enquiry, ample opportunity was given to the petitioner and he cannot claim unfettered right of absenting from work spot on the plea of union activity and welfare activity and thereby indulge in disrupting the production activity. Though, he has got every right to represent the grievance of the workers, thereby he cannot take any shield on the right of the Management to take action on him. The order of penalty was issued in accordance with relevant rules and it cannot be said that it is disproportionate to the charges framed against him. For all these reasons, they claim that the claim is to be dismissed.

7. Though, the Respondent alleged that there is a delay on the part of the petitioner the learned counsel for the petitioner argued that delay or limitation would not apply to labour matters and the petitioner was appealing to various forums since 1972 and it was only in the year 1995, the Labour Ministry, Govt. of India had referred to the Regional Labour Commissioner (Central), Chennai for conciliation and the management has not responded for notice which resulted in a failure. Under such circumstances, it cannot be contended that the claim was barred by limitation and for this the learned counsel for the petitioner relied on the ruling reported in AIR 1999, SCC, 1351 WHEREIN THE SUPREME COURT HAS HELD "the provisions of the Art. 137 of the Limitation Act are not applicable to the proceedings under the Labour Act and that the relief under labour act cannot be denied to the workmen merely on ground of delay and even held the Tribunal, Labour Court or board dealing with the case can appropriately mould the relief by declining to grant back wages to the workman till the date he raised the demand regarding his illegal retrenchment/termination or dismissal". Further, the learned counsel for the petitioner argued even in case if this Tribunal comes to the conclusion that the petitioner is to be reinstated in service the reinstatement could not be given now because he has already attained the age of superannuation and the relief if it is to be given can be moulded by way of lumpsum compensation. Therefore, I am not inclined by the contentions of the learned counsel for the Respondent

that only because of the delay the petitioner is not entitled to get any relief.

8. Then the next plea of the Respondent that this Court has no jurisdiction to entertain the claim is to be seen. The learned counsel for the Respondent argued under Section 13-B of the ID (Amendment) Act which exempts certain industries from its jurisdiction. In this case, the Ordnance Factory performs sovereign functions of the state and therefore, it should be excluded from the provisions of the term "industry" as given in the ID Act and therefore the dispute cannot be raised before this forum. But the learned counsel for the petitioner relied on 1994, 2, LLJ, Page 665 which followed the decision of 1986 Calcutta L.C., Page 1269. Further the learned counsel for the petitioner argued, the Hon'ble High Court of Madras in the case of SUNDARARAJAN Vs. GOVT. OF INDIA which was reported in 1994, 2, Page 665 has held "*the Ordnance Department at Avadi is an industry within the meaning of Section-2(j) of the I.D. Act*". Further, various other High Courts have already held the Central Ordnance Depot is a severable unit of Defence Department and is an industry within the meaning of I.D. Act.

9. Therefore, I find much force in the contention of the learned counsel for the petitioner and it is well settled law that even in department discharging sovereign functions if there are units which are severable, they can be considered under Section-2(j) of the I.D. Act. Therefore, I am inclined to hold that this Court has jurisdiction to entertain this dispute. Even though, the learned counsel for the Respondent contended that the petitioner was removed from service as a result of a disciplinary case under CCS (CCA) Rules and this action does not constitute an Industrial Dispute and he has to approach the CAT only and not to the Industrial Tribunal and even though the Regional Labour Commissioner has taken the matter, it is not an industrial dispute and the reference itself to this Tribunal is not maintainable, I find there is no substance in the contention of the learned counsel for the Respondent, because if the Respondent has got any grievance against the reference, he has got every right to question the same before the Hon'ble High Court but he has not done anything in that direction therefore, I am not inclined to accept the contention of the learned counsel for the Respondent in this aspect also.

10. Then the next thing to be decided in this case is whether the petitioner had mis-conducted himself and whether the action of the Respondent Management in removing him from service is legal.

The learned counsel for the petitioner contended the petitioner was elected as works committee member and he was Secretary of the loans committee and he was also the treasurer of the heavy Vehicles Factory Employees Union though this union has not been recognized by the Respondent, the petitioner responsible to represent the grievances of the workman to the Management, the

Respondent Management has also issued factory order permitting the works committee member to be absent in work spot for an hour daily. The General Manager, the Respondent aggrieved by labour welfare activities of the petitioner and with an intent to victimize the petitioner and curb the labour welfare activities has issued the charge sheet and the intention of the Respondent Management is clear even by mere reading of the charge memo. Even on the date viz. 11-12-1970 of issuance of charge sheet five other members of the union were suspended and the entire factory was tense due to the act of the Management. The crux of the allegation in the charge sheet was that he was absent from work spot without prior permission from the supervisory staff but it is contradictory to the rule framed by the Management's decision which permits the petitioner to be absent from the work spot for an hour. The charge sheet was issued by the General Manager who was all along present at the time of incident alleged to have been happened. The Enquiry Officer is a subordinate officer to the General Manager and when he requested him to summon the General Manager as a defense witness, it was refused on the ground that he was the Disciplinary Authority, therefore, he cannot be summoned by him. Therefore, the entire proceedings conducted by the Respondent authorities were vitiated by malafides and with the only motive to victimize the petitioner for labour welfare activities all actions were taken against him. Even the appeal preferred by the petitioner was summarily rejected without any consideration or basis and without affording any opportunity to him to place his case and to prove his innocence. Therefore, the action taken by the Respondent Management is illegal. Even assuming for argument sake, without conceding that the charges framed against the petitioner have been proved, the punishment imposed on him is disproportionate to the charges framed against him, for the late attendance it cannot be said that dismissal is the punishment. In other words, there is no proof or legal satisfactory evidence that he has instigated the workers to stop work. Under such circumstances, the enquiry conducted by the Respondent authorities is vitiated.

11. But as against this, the learned counsel for the Respondent contended all the witnesses who were examined in the case clearly stated it is only because of the petitioner the work was stopped during the relevant hour and even though some of the witnesses have stated that they have not seen the petitioner instigating the witnesses, on that ground alone it cannot be said that the petitioner is not the cause of stoppage of work. The cumulative effect of all the evidence of the witnesses will clearly show that it is only because of the petitioner's act, the work was stopped and this act of the petitioner amounting to inciting others to desist from doing their trades and this act of the petitioner alleged are unbecoming of a govt. servant which amounts to gross misconduct and therefore it cannot be said that the enquiry conducted by Respondent authorities is not

proper or just. He further argued that there is no rule that the charge sheet should not be issued by the General Manager viz. the Respondent and Asstt. Manager should not be an Enquiry Officer, no provision in the Standing Orders or service rules was exhibited before this Tribunal to that effect and he further argued merely because the General Manager has not been examined in this case, prejudice was caused to the petitioner, on that ground it cannot be said principles of natural justice has not been exercised.

12. I find much force in the contention of the learned counsel for the Respondent. It is well settled, findings of the Enquiry Officer must be supported by legal evidence and it is also settled perversity vitiates disciplinary proceedings but on the other hand, it is settled law that there is a difference between a finding which is not supported by any legal evidence and a finding which may appear to be not supported by sufficient evidence or may be based on inadequate evidence, therefore, a wrong finding is not necessarily a perverse finding and finding cannot be described to be perverse merely because it is possible to take different view on the evidence. In this case, the learned counsel for the petitioner cited certain evidence given by the witnesses and argued that they have not established with satisfactory evidence that the petitioner has incited the workmen not to do the work and therefore the charges framed against the petitioner has not been proved but I am not inclined to accept this contention because only in case where the findings or fact are based on no legal evidence and the conclusion is one to which no reasonable man would come, it would be a case of perversity and not of re-appraisal of findings in this case. On perusal of the evidences adduced by all the witnesses, the cumulative effect of all these evidences will clearly establish, it is only because of the petitioner, the work stopped on 11-12-1970 and he has not obeyed the orders of the superiors on that day and only because of this action the other workers were desisted from doing their duties. Therefore, I find the charges framed against the petitioner has been proved as such I find this point against the petitioner.

The next point to be decided is to what relief the concerned workman is entitled?

13. In view of my foregoing findings that the action of the Respondent Management in removing the petitioner from his service is legal and justified, I find the petitioner is not entitled to any relief.

14. Thus the reference is disposed of accordingly.

(Dictated to the P.A. transcribed and typed by him, corrected and pronounced by me in the open court on this day the 6th December, 2007)

K. JAYARAMAN, Presiding Officer

Witnesses Examined:-

For the 1 Party/Petitioner : WW1 Sri M. Ramanathan

For the II Party/Management : MW1 Sri P. Surendran

Documents Marked:

From the petitioner's side

| Ex. No. | Date       | Description   |
|---------|------------|---|
| Ex. W1  | -          | Govt. of India Order No. L-14012/43/9-IR(DU) dated 16-02-99 (i.e. Reference)                        |
| Ex. W2  | :          | The Supersedes Part I order 691 dated 21-10-1970  |
| Ex. W3  | :          | (Charge sheet) memorandum dated 01-12-1970.   |
| Ex. W4  | 21-12-1970 | Letter of M. Ramanathan, Machinist (under suspension) Explanation to General Manager, H.V.F., Avadi |
| Ex. W5  | -          | Proceedings of the Enquiry Authority.   |
| Ex. W6  | 29-07-1971 | Letter of M. Ramanathan, to the Secretary, Ministry of Defence Reinstatement appeal submitted.      |
| Ex. W7  | 27-02-1971 | Letter issued by General Manager, HVF regarding imposition of the penalty of removal.               |
| Ex. W8  | 18-02-1971 | Letter of M. Ramanathan, to the General Manager, HVF, Madras-54 regarding appeal representation.    |
| Ex. W9  | 08-03-1971 | Letter of M. Ramanathan, by General Manager, HVF regarding appeal.                                  |
| Ex. W10 | 21-02-1972 | Appeal dated 29-07-1971 rejected by Under Secretary to the Govt. of India.                          |
| Ex. W11 | 02-05-1972 | Part-II Order reg. Termination of Service under General Civil Services.                             |
| Ex. W12 | -          | Discussion & subsequent order relating to Labour situation in HVF (Minutes of Meeting)              |
| Ex. W13 | 23-08-1974 | Letter by A.I.D.F. to the General Manager, H.V.F. regarding harassment in HVF.                      |

From the Management's side

| Ex. No. | Date       | Description  |
|---------|------------|--|
| Ex. M1  | Chapter 21 | Establishment and functions of Central Administrative Tribunal. The Administrative Tribunal Act, 1985 (no. 13 of 1985) |
| Ex. M2  | 01-12-1970 | Charge sheet to Mr. M. Ramanathan  |

|       |            |  |
|-------|------------|--|
| Ex.M3 | 06-02-1971 | Disciplinary proceedings under Rule-14 of Central Civil Services |
| Ex.M4 | 27-02-1971 | Imposition of penalty  |
| Ex.M5 | 04-03-1971 | Appeal made by Mr. Ramanathan/Workman                            |

नई दिल्ली, 12 मार्च, 2008

का.आ 769.—औद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 17 के अनुसरण में, केन्द्रीय सरकार नेवेली लिग्नाइट कॉर्पोरेशन लिमिटेड के प्रबंधकों के संबद्ध नियोजकों और उनके कर्मचारों के बीच, अनुबंध में निर्दिष्ट औद्योगिक विवाद में केन्द्रीय सरकार औद्योगिक अधिकरण चेन्नई के पंचाट (संदर्भ संख्या 77/2005) को प्रकाशित करती है, जो केन्द्रीय सरकार को 12-3-2008 को प्राप्त हुआ था।

[सं. एल-22012/359/2004-आई आर(सी-II)]

अजय कुमार गौड़, डेस्क अधिकारी

New Delhi, the 12th March, 2008

S.O. 769.— In pursuance of Section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the Award (Ref. No. 77/2005) of the Central Government Industrial Tribunal-cum-Labour Court, Chennai as shown in the Annexure in the Industrial dispute between the management of Neyveli Lignite Corporation Limited and their workman, received by the Central Government on 12-3-2008.

[No. L-22012/359/2004-IR(C-II)]

AJAY KUMAR GAUR, Desk Officer

#### ANNEXURE

#### BEFORE THE CENTRAL GOVERNMENT INDUSTRIAL TRIBUNAL-CUM-LABOUR COURT, CHENNAI

Friday, 14th December, 2007

Present: K. Jayaraman, Presiding Officer

INDUSTRIAL DISPUTE No. 77/2005

[In the matter of the dispute for adjudication under clause (d) of sub-section (1) and sub-section 2(A) of Section 10 of the Industrial Disputes Act, 1947 (14 of 1947), between the Management of Neyveli Lignite Corporation Ltd. and their workman]

#### BETWEEN:

Sri Krishna Venkataraman : Ist Party/Petitioner

Vs.

The Director (Personnel) : II Party/Management  
Neyveli Lignite Corporation  
Ltd., Neyveli-607801

#### APPEARANCE

For the petitioner : M/s D. Hariparanthaman  
For the management : Sri. N. A. K. Sarma

#### AWARD

The Central Government, Ministry of Labour vide its Order No. L-22012/359/2004/IR(C-II) dated 17-08-2005 referred the following Industrial Dispute to this Tribunal for adjudication.

The schedule mentioned in that order is:

"Whether the action of the Management of Neyveli Lignite Corporation Limited, Neyveli in denying Special Casual Leave to Sri Krishna Venkataraman during the period of his participation in the Mansarovar Kailash Yatra is legal and justified? If not, to what relief the workman is entitled?"

2. After the receipt of the Industrial Dispute, this Tribunal has numbered it as ID 77/2005 and issued notice to both sides. Both sides entered appearance through their advocates and filed their claim and counter statement respectively.

3. The allegation in the claim statement are briefly as follows :-

The petitioner was joined in the Respondent Management as Unskilled (Casual) on 05-01-1964 and retired voluntarily from the service on 31-05-2000 as Chief Time Keeper. The Respondent is a Government of India enterprises and its administrative functions are being governed by the rules framed by Deptt. of Public Enterprises and Govt. of India. Hence, the petitioner is deemed to be a government servant in all respects. The Indian Mountaineering Foundation (IMF) had recognized the Kailash Mansarovar Yatra as a trekking expedition. Though, this yatra is a pilgrimage, Government of India has recognized as trekking expedition and granted Special Casual Leave to all government employees not exceeding 30 days after notification dated 11-04-1985 and 25-10-89. Therefore, all the government servants are eligible for grant of Special Casual Leave for having participated in Kailash Mansarovar Yatra conducted by Ministry of External Affairs. Even, during the petitioner's service, some of the employees of the Respondent Management have participated in the Kailash Mansarovar Yatra. Thus, the petitioner followed suit and participated in the said yatra from 01-09-1999 to 20-09-1999 and was member of the 16th batch of Kailash Mansarovar Yatra conducted by Ministry of External Affairs. He was also issued a certificate by the Ministry dated 30-09-1999. Even before that, the petitioner applied to NLC on 05-03-1999 to take Passport for the specific purpose of participation in the yatra and accordingly a NOC was issued to the petitioner on 03-04-1999. The petitioner applied on 16-08-1999 Earned Leave from 01-09-1999 to 05-10-1999 for the specific purpose of participating in the said yatra and the leave was duly sanctioned to him. After returning from the yatra, the petitioner has applied on 11-10-1999 to treat the period of absence from 01-09-1999 to 29-09-1999 as Special Casual Leave but though he has made several oral repeated requests, the Respondent has denied the same. He has written letter dated 21-10-2000 and 16-08-2001 to the

Ministry of External Affairs and also the Respondent Management but all efforts of the petitioner proved futile. The petitioner represented before the labour authorities. The Labour Enforcement Officer issued notices to the Respondent Management and there was a conciliation talk but since the conciliation was not fruitful, a failure report was sent to the Ministry and the Government has referred the dispute to this Tribunal. The Respondent Management has sanctioned Special Casual Leave and extended this facility to one of its employees by name Sri H. Rangopal for participation in the Kailash Mansarovar Yatra 1994. The Respondent Management has also granted Special Casual Leave of 30 days to an employee by name R. Srinivasan who was undertaken an All India Tour on his motorcycle. Thus, the denial of eligible entitlements to the petitioner is no way justifiable and is against the principles of natural justice. Hence, the petitioner prays an award may be passed in his favour to treat the period of leave as under Special Casual Leave and to direct the Respondent to pay the money equivalent to the adjusted and also for costs.

4. As against this, the Respondent in his counter statement contended, no doubt the petitioner joined the services of the Corporation in the year 1964 and after rendering 34 years of service, he sought voluntary retirement from the Respondent Corporation and was accordingly relieved from the services of the Corporation w.e.f. 31-05-2000. He has neither been dismissed, nor discharged, nor retrenched from the Respondent Management. Therefore, the present reference is not maintainable since it does not constitute an Industrial Dispute in terms of Section 2(k) read with Section 29(s) of the I.D. Act. Further, as on 26-09-2003 when the petitioner raised the dispute before the Conciliation Officer as well as on 17-08-2005, the petitioner was in employment of Respondent Management. Therefore, the petitioner is not a workman for the purposes of I.D. Act. Accordingly, this Tribunal lacked jurisdiction to entertain the dispute. The petitioner's claim deserves to be rejected on the ground of delay, either in the year 1999 when the petitioner took Earned Leave for proceeding on yatra or at any time subsequently, no provisions existed in the leave rules of the Respondent in granting of Special Casual Leave to those undertakings the said yatra. The Respondent of Management is a Public Sector Undertaking having its own set of rules and regulations. It has also a certified Standing Order applicable to workman. The petitioner was governed by the Certified Standing Order. The rules and orders applicable to Central Government Employees do not automatically apply to the Respondent's employees. Merely because the Central Government Employees eligible for grant of Special Casual Leave for proceeding on Mansarovar Kailash Yatra, it does not follow that such orders automatically apply to the Respondent/Management and he has no right to claim or demand that he should be treated "on par" with the Government employees. The issue of NOC to enable the

petitioner to apply for Passport is merely procedural and does not impose any obligation or liability on the Respondent. The petitioner only after his retirement has made a request in this regard for the first time. After ceasing to be an employee, the petitioner is not justified in seeking conversion of Earned Leave into Special Casual Leave. All the terminal dues have been disbursed to the petitioner, therefore, the request for re-opening and de novo consideration is unjustified and it was rightly declined. The case cited by the petitioner is not identical with the petitioner. In that case, Special Casual Leave was given while the individual was still in service, therefore, there has been no discrimination. The grant of Special Casual Leave for the purpose other than those listed in service leave rules of the Respondent Management are decided on a case to case basis, therefore, the claim of the petitioner is merely an afterthought and an attempt to derive some additional benefits. Hence for all these reasons, the Respondent prays that the claim may be dismissed in his cost.

5. Again the petitioner in his rejoinder contended, the petitioner has taken the leave only during his service and he also made a demand to treat the same as Special Casual Leave while he was in service. The claim now made by the petitioner was pertaining to his service grievance at a time when he was in employment and therefore, the Respondent cannot deny that the petitioner is not a workman and the dispute is not an I.D. There was no delay on the part of the petitioner, on any event there is no limitation prescribed in the I. D. Act to raise Industrial Dispute. Therefore, the reference is valid. In the case of Rangopal, the order of Government of India was acted upon and, therefore, it cannot be contended that the order of Central Government is not applicable to the petitioner, which is only discriminatory and amounts to unfair labour practice. Therefore, the petitioner is entitled to get his Mansarovar Kailash Yatra treated as Special Casual Leave and to get reimbursement for the same and prays an award may be passed in his favour.

The points for determination are:

- (i) Whether the action of the Respondent- Management in denying Special Casual Leave to the petitioner during the period of his participation in the Mansarovar Kailash Yatra is legal and justified?
- (ii) To what relief the workman is entitled?

Point No. 1

6. The case of the petitioner is that he was an employee under the Respondent-Management and he has while in service has participated in Kailash Mansarovar Yatra from 01-09-1999 to 20-09-1999. A certificate was also issued by the Ministry of External Affairs dated 30-09-1999 for the same. The Government of India issued notification/circular that all Government servants are eligible for grant of Special Casual Leave not exceeding 30 days for having participated in Kailash Mansarovar yatra conducted by the Ministry of

External Affairs, Government of India. Since the Respondent Management is a Public Sector Undertaking and which is governed by the circular/communication/guidelines/orders issued by the Department of Public Enterprises, hence the petitioner is deemed to be a Government servant in all respects and he is entitled to the Special Casual Leave for the leave period from 01-09-1999 to 29-09-1999 for the participation in the Kailash Mansarovar Yatra and it is his further contention that he has applied for this Special Casual Leave, and the Respondent Management has not given any reply to his request and when he has been allowed to retire voluntarily on his request now they have taken the stand that the claim of the petitioner is belated and, therefore, he has raised this dispute.

7. But as against this, the Respondent's contentions are three-fold. Firstly, the Respondent contended there is no Industrial Dispute since there is no relationship of master and servant in this case and the petitioner is not a workman as defined by the I.D. Act. Secondly, the petitioner has not given any justifiable reason for the delay for making the claim and he applied for this Special Casual Leave 3 years after his retirement and, therefore, it is not maintainable. Thirdly, no doubt the Respondent is a Public Sector Undertaking but the rules and orders applicable to Central Government servants do not automatically apply to Respondent Corporation employee and merely because Government of India has made government servants eligible for Special Casual Leave for proceeding on Kailash Mansarovar Yatra, it does not follow that such orders issued by the government automatically apply to NLC employees. Hence, the claim is not maintainable before this forum. We will see the Respondent's contentions one by one. The petitioner examined himself as WW I and he marked 14 documents. Ex.W1 is the copy of the Office Memorandum of Central Govt., Ministry of Personnel and Training dated 11-04-1985, wherein it is stated the provision of grant of Special Casual Leave to government employees participating in Kailash Mansarovar Yatra. Ex.W2 is the copy of the leave account of one Sri Ramgopal. The petitioner produced this document to prove that the Respondent Management has given Special Casual Leave to the said Ramgopal who is an employee of the Respondent Management. Ex.W3 is the NOC given by NLC to the petitioner. Ex.W4 is the copy of the leave letter sent by the petitioner. Ex.W5 is the copy of the certificate given by the Ministry of External Affairs for the participation by the petitioner in Kailash Mansarovar Yatra. Ex.W6 is the copy of the letter sent by the petitioner to the Secretary, Ministry of External Affairs stating that the Respondent Management has not given Special Casual Leave for him for undertaking the said yatra. Ex.W7 is the copy of the order of the Respondent Management for voluntary retirement to the petitioner. Ex.W8 is the copy of the letters sent by the petitioner to the Under Secretary, Ministry of External Affairs. Ex.W9 is the copy of the letter sent by the petitioner to Labour Enforcement Officer, Pondicherry and

Ex.W10 is the copy of the reply given by the Respondent Management and Ex.W11 is the copy of the complaint made to the labour authorities viz. Asstt. Labour Commissioner (C), Chennai, by the petitioner and Ex.W12 is the copy of the reply given by the Management and Ex.W13 is the copy of the rejoinder to the Respondent's reply and Ex.W14 is the copy of the extract from Swamy's Compilation of FRSR, Part-III, CCS Leave Rules.

8. As against this, on the side of the Respondent, one Jayavelu, Sr. Manager (Personnel), P & D Zone was examined as MW1 and on the side of the Respondent 3 documents were filed. The first document is the authorization given to the witness to give evidence and the 2nd document is the extract from the personnel manual in respect of leave and holidays and the 3rd document is the extract of leave entry given to the petitioner from his service register. On behalf of the petitioner, the learned counsel for the petitioner contended the petitioner claimed leave from 01-09-1999 to 29-09-1999 for his participation in Kailash Mansarovar Yatra when he was working in the Respondent Management. Further, he has also made several demands to treat this as Special Casual Leave through various representations and the Respondent Management did not pass any orders till his retirement from service and even there after he has made several representations. Therefore, the claim now made was pertaining to his service grievance at the time when he was employment under the Respondent. Hence, the Respondent cannot contend the first party as not a workman and that it is not an I.D.

9. I find some force in the contention in the learned counsel for the petitioner because no doubt, the petitioner is retired from service of the Respondent on 31-05-2000 but even prior to this date, it is alleged that he made several representations to the Respondent Management and he has also marked certain documents. No doubt, the Respondent Management has contended the receipt of the representations given by the petitioner but I find this denial is only an afterthought because the Respondent has taken different stands in different forums. Before the Labour Enforcement Officer, the Respondent has taken the stand that the petitioner has not obtained any permission to leave the country before undertaking Mansarovar Yatra. According to him, since Kailash Mansarovar Yatra involved a foreign trip, the petitioner has not obtained formal permission from the Respondent Management. But, before the labour authorities, the Respondent Management has taken a stand that the Central Government circulars and notification will not ipso facto applicable to the Respondent Management and therefore the petitioner is not entitled for Special Casual Leave. Only after the petitioner has shown that once the Respondent Management has sanctioned Special Casual Leave to some of its employees who have undertaken Kailash Mansarovar Yatra, the Respondent has taken the stand that the

petitioner has retired and his claim was belated. Furthermore, the claim now made by the petitioner pertains to the service grievance of the petitioner at the time when he was in employment, therefore, I find there is no point in the contention of the learned counsel for the Respondent.

10. With regard to the next contention viz. that the petitioner has made this claim belatedly and therefore the claim deserves to be rejected, the Respondent contended, that petitioner has undergone this pilgrimage viz. Kailash Mansarovar Yatra in Sept., 1999 and he has made his claim for Special Casual Leave only in the year 2003 before the Labour Enforcement Officer i.e. 3 years after his voluntary retirement and he has not given any justifiable reason for the said delay in making a claim. Therefore, the claim is not maintainable. But, as I have already pointed out that no doubt the petitioner has not produced document to show that the Respondent has received the representations but from the stand taken by the Respondent in different forums, I find the Respondent has not only disputed the fact that the petitioner has made a claim even while he was in service. Therefore, here again I find there is no point in the contention of the Respondent.

11. With regard to third contention of the Respondent viz. that the rules and orders applicable to Central Government employees do not automatically apply to Respondent's employees, we will see whether this contention holds good. The learned counsel for the Respondent contended that the Respondent is a Public Sector Undertaking. It has its own set of rules and regulations which has Certified Standing Orders applicable to workman. The petitioner while he was in service was governed by Certified Standing Order of the Respondent Management and as per the leave rules, there is no mention about the entitlement of Special Casual Leave to its employees, merely because Government of India has made Government servants eligible for grant of Special Casual Leave for participation in Mansarovar Kailash Yatra it does not follow that such orders issued in 1985 automatically apply to NLC employees and it was further contended unless and until the Respondent Management has introduced by appropriate procedure the eligibility of entitlement to Special Casual Leave. In the case of Kailash Mansarovar Yatra, the petitioner has no right to claim or demand that he should be treated on par with government employees and it is his further contention the orders of Government of India relating to grant of Special Casual Leave neither been extended nor applicable to the employees of the Respondent Management and therefore he argued that the petitioner's claim is to be rejected.

12. As against this, on behalf of the petitioner, it is contended the Respondent Management is a Government of India enterprise, the administrative functions of Respondent Management are being governed by the rules framed by the Deptt. of Public Enterprises and/or of Government No circular issued by Government of India invariably applicable ipso

facto to all PSUs including NLC. But such circulars, notifications by Government of India need not necessarily be circulated by Ministry of Coal. It is his further contention since the petitioner had worked in the Respondent organization which is governed by the Circulars/guidelines/orders issued by the Department of Public Enterprises of Govt. of India pertaining to all service conditions, the petitioner is deemed to be a Government servant in all respects. Therefore, the notification issued by the Central Government is applicable to the Respondent Management and therefore he is entitled to Special Casual Leave.

13. Though, I find some force in the contention of learned counsel for the petitioner, I am not inclined to accept that all the circulars/communications/guidelines/orders issued by the Central Government will ipso facto applicable to the Respondent Management. It is established by the Respondent Management that the Respondent Management has got separate rules and regulations and Standing Orders and it is also admitted by the petitioner that he was governed only by the Standing Orders of the Respondent Management, under such circumstances, the argument of the learned counsel for the petitioner that all the circulars and communications issued by Government of India will ipso facto applicable to the Respondent Management is not correct but the learned counsel for the petitioner argued the Respondent Management has sanctioned Special Casual Leave and extended this facility to one of its employee by name Sri H. Ramgopal (CPF No. 22411) for 30 days i.e. from 28-06-1994 to 27-03-1994 for participation in the Kailash Mansarovar Yatra in the year 1994 for which the petitioner has also produced document Ex. W2. Further, the Respondent has granted Special Casual Leave of 30 days to an employee by name Sri R. Srinivasan (CPF No. 38718) who has undertaken an All India Tour on his motorcycle when no orders or circulars/notification issued either by Deptt. of Public Enterprises or Govt. of India and also when no orders from Ministry of Coal on the above subject under such circumstances, the learned counsel for the petitioner further contended, as a matter of fact, the Respondent Management has been granting Special Casual Leave to various categories for various reasons at their whims and fancies, therefore, the denial of eligible entitlement of Special Casual Leave to the petitioner is not justifiable.

14. But as against this, the learned counsel for the Respondent contended that the case cited by the petitioner with regard to Ramgopal is not identical with this case. In the case of Ramgopal, a decision was taken for Special Casual Leave as a special case while the individual was still in service but in the present case of the petitioner, sought this facility after his voluntary retirement and therefore it cannot be said as discrimination among the employees. Further, with regard to the grant of Special Casual Leave to Sri R. Srinivasan, it can also not be comparable to that of the petitioner because the grant of

Special Casual Leave for purpose other than those listed in the leave rules of the Respondent Corporation are decided on case to case basis with respect to serving employees and therefore the petitioner is not entitled to any relief and the claim of the petitioner is an afterthought and an attempt to derive some additional benefits from the Respondent. But as I have already pointed out since the Respondent has taken different stands in different forums, I find only to reject the claim, the Respondent has taken this stand. From Ex.W2, it is not established that the sanction of Special Casual Leave to Sri Ramgopal was taken as a special case. No doubt, the said Sri Ramgopal is in service of the Respondent on the ground it cannot be said only because the said individual is still in service that he has been given Special Casual Leave. If really, there is no provision to sanction Special Casual Leave for undertaking Kailash Mansarovar Yatra, the Respondent Management would not have given the Special Casual Leave to Sri Ramgopal.

15. I find there has been a discrimination between the individuals shown by the Respondent Management and I further come to the conclusion only to reject the claim of the petitioner, the Respondent Management has taken different stands at different forums. As I have already pointed out at the first instance, the Respondent Management has taken the plea that the petitioner has not obtained permission to leave the country to another country before undertaking the yatra and the Respondent Management has taken different stand before the labour authorities and after showing that the Respondent Management has sanctioned such leave to its employees, now the Respondent has taken the stand that the petitioner has claimed this benefit subsequent to his retirement and therefore the claim is not maintainable. As I have already stated only to reject the claim of the petitioner, the Respondent has taken different stands. As such, I find the denial of the Respondent Management with regard to Special Casual Leave to the petitioner during the period of his participation in Kailash Mansarovar Yatra is not justified and is also not legal.

#### Point No. 2

The next point to be decided to what relief the petitioner is entitled?

16. In view of my foregoing findings that the denial of Special Casual Leave to the petitioner by the Respondent Management is not legal and not justified, I find the petitioner is entitled to the relief claimed by him. Therefore, I direct the Respondent Management to treat the period of leave from 1-9-1999 to 29-9-1999 as a Special Casual Leave and to pay the money equivalent to the adjusted earned leave of 29 days.

17. Thus, the reference is answered accordingly.

Drafted to the P.A. transcribed and typed by him, corrected and pronounced by me in the open court on this day the 14th December, 2007

K. JAYARAMAN, Presiding Officer

#### Witnesses Examined:-

For the I Party/Petitioner : WW1 Sri Krishna Venkataraman

For the II Party/Management : MW1 Sri K. Jayavelu

#### Documents Marked:

##### On the petitioner's side

| Ex. No. | Date       | Description  |
|---------|------------|--|
| Ex. W1  | 11-04-1985 | Office memorandum regarding special casual leave to Govt. servants                                       |
| Ex. W2  | -          | Leave extract pertaining to Mr. Ramgopal   |
| Ex. W3  | 03-04-1999 | No objection certificate issued by II party for granting Passport  |
| Ex. W4  | 13-08-1999 | Letter from the I Party to the Deputy Chief Engineer (P&D zone)  |
| Ex. W5  | 30-09-1999 | Certificate issued by the Ministry of External Affairs for participating in the Kailash Mansarovar Yatra |
| Ex. W6  | 21-01-2000 | Letter sent by the I Party sent to the Ministry of External Affairs, New Delhi                           |
| Ex. W7  | 23-05-2000 | Order issued by the Chief Personnel Manager  |
| Ex. W8  | 16-08-2001 | Letter sent by the I Party to the Ministry of External Affairs, New Delhi                                |
| Ex. W9  | 03-01-2003 | Representation made by the I party to the Labour Enforcement Officer                                     |
| Ex. W10 | 29-07-2003 | Reply statement filed by the NLC before the Labour Enforcement Officer                                   |
|         | 29-07-2003 | Representation made by the II Party before the Labour Enforcement Officer                                |
| Ex. W11 | 19-08-2003 | Complaint made by the I party to the Asstt. Labour Commissioner (Central)                                |
| Ex. W12 | 25-03-2004 | Counter Statement filed by the II party before the ALC (Central-II)                                      |
| Ex. W13 | 03-04-2004 | Reply to the rejoinder filed by the II party before the ALC (Central-II)                                 |
| Ex. W14 | -          | Orders regarding casual leave and special casual leave   |

##### For the II Party i. Management

| Ex. No. | Date                           | Description  |
|---------|--------------------------------|--|
| Ex. M1  | 28-12-2006                     | Authorization of Witness                                       |
| Ex. M2  | -                              | Extract from Personnel Manual in respect of leave and holidays |
| Ex. M3  | 01-09-1999<br>to<br>30-09-1999 | Leave entry.   |



नई दिल्ली, 12 मार्च, 2008

का.आ. 770.—औद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 17 के अनुसरण में, केन्द्रीय सरकार भारतीय खाद्य निगम के प्रबंधन के संबद्ध नियोजकों और उनके कर्मचारों के बीच, अनुबंध में निर्दिष्ट औद्योगिक विवाद में केन्द्रीय सरकार औद्योगिक अधिकरण, इलाकुलम के पंचाट (संदर्भ संख्या 86/2006) को प्रकाशित करती है, जो केन्द्रीय सरकार को 12-3-2008 को प्राप्त हुआ था।

[सं. एल-22012/6/2001-आई आर(सी एम-II)]

अजय कुमार गौड़, डेस्क अधिकारी

New Delhi, the 12th March, 2008

S.O. 770.—In pursuance of Section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the Award (Ref. No. 86/2006) of the Central Government Industrial Tribunal-cum-Labour Court, Ernakulam as shown in the Annexure in the Industrial Dispute between the management of Food Corporation of India, and their workmen, received by the Central Government on 12-3-2008.

[No. L-22012/6/2001-IR(CM-II)]

AJAY KUMAR GAUR, Desk Officer

ANNEXURE

IN THE CENTRAL GOVERNMENT INDUSTRIAL TRIBUNAL-CUM-LABOUR COURT, ERNAKULAM

Present: Shri P. L. Norbert, B. A., L.L.B. Presiding Officer  
(Tuesday the 26th day of February 2008/7th Phalguna 1929)

I. D. 86 of 2006

(I.D.15/2001 of Labour Court, Ernakulam)

- |              |  |
|--------------|--|
| Unions :     | 1. The Secretary, Headload and General Workers Union, FCI, Mulankunnathukavu, Trichur. |
|              | 2. The President, Trichur Jilla General Mazdoor Sangham, Trichur.                      |
|              | 3. The Secretary, FCI Workers Union, Mulankunnathukavu, Trichur.                       |
|              | By Adv. Sri. C. Anil Kumar.  |
| Management : | The District Manager, Food Corporation of India, Mulankunnathukavu, Trichur-680581.    |
|              | By Adv. K. M. Kurian.  |

This case coming up for hearing on 26-02-2008, this Tribunal-cum-Labour Court on the same day passed the following.

#### AWARD

This is a reference under Section 10 (1) (d) of Industrial Disputes Act. The reference is :—

"Whether the action of the management of FCI, Mulankunnathkavu Depot in imposing punishment of deduction of 2% wages for a total sum of Rs.50,414 from 133 D.P.S. workers from their wages for the month of September 2000 is legal and justified? If not, to what relief they are entitled to?"

2. On notice both sides entered appearance and filed their pleadings. when the matter came up for evidence, the unions took adjournments on several occasions and finally when it was posted for evidence the unions and counsel remained absent. The management counsel was ready to proceed with the case. the reference was made in 2001. The unions do not appear to be interested in the matter. In the circumstances it is unnecessary to keep the case pending. There is no substituting dispute for adjudication. Therefor I pass the following award.

3. The action of the management FCI Mulankunnathkavu Depot in imposing punishment of deduction of 2% wages for a total sum of Rs.50,414 from 133 D.P.S. workers from their wages for the month of September 2000 is legal and justified and the workers are not entitled for any relief.

Dictated to the Personal Assistant, transcribed and typed by her, corrected and passed by me on this the 26th day of February, 2008.

P. L. NORBERT, Presiding Officer

Appendix — Nil

नई दिल्ली, 12 मार्च, 2008

का.आ. 771.—औद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 17 के अनुसरण में, केन्द्रीय सरकार भारतीय खाद्य निगम के प्रबंधन के संबद्ध नियोजकों और उनके कर्मचारों के बीच, अनुबंध में निर्दिष्ट औद्योगिक विवाद में केन्द्रीय सरकार औद्योगिक अधिकरण/श्रम न्यायालय, पुणे के पंचाट (संदर्भ संख्या 24/2003) को प्रकाशित करती है, जो केन्द्रीय सरकार को 12-3-2008 को प्राप्त हुआ था।

[सं. एल-22012/357/2002-आई आर(सी एम-II)]

अजय कुमार गौड़, डेस्क अधिकारी

New Delhi, the 12th March, 2008

S.O. 771.—In pursuance of Section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the Award (Ref. No. 24/2003) of the Industrial Tribunal/Labour Court, Pune (Maharashtra) as shown in the Annexure in the Industrial Dispute between the management of Food Corporation of India, and their workmen, received by the Central Government on 12-3-2008.

[No. L-22012/357/2002-IR(CM-II)]

AJAY KUMAR GAUR, Desk Officer

## ANNEXURE

BEFORE SHRI S. S. VYAVAHARE, INDUSTRIAL  
TRIBUNAL AT PUNE

Reference (IT) No.24/03

## BETWEEN:

Food Corporation of India,  
94/102, Koregaon Park,  
PUNE-411001.

.....First Party

## AND

Food Corporation of India,  
Employees Association,  
Koregaon Park,  
PUNE-411001

.....Second Party

In the matter of: Reference under Clause (d) of sub-  
section (1) and sub-Section (2A) of  
Section 10 of I.D. Act, 1947.Appearances: Mrs. B.M. Kadam, Asstt. Govt.  
Pleader for First Party.  
Mr. D.G. Kotwal, Zonal Organizing  
Secretary for the Second Party.

## AWARD

In exercise of the powers conferred by clause (d) of sub-sec.1 of Sec. 2A of Sec. 10 of the Industrial Disputes Act, 1947 the Desk Officer (Conciliation Officer) of the Central Govt. has referred the following dispute to the undersigned for adjudication. The dispute referred to the undersigned is mentioned in the schedule as under:—

"Whether the action of the management of FCI in relation to the employees employed in the estts. of Dist. Manager, FCI, Pune in withdrawing medical reimbursement facilities indoor/outdoor under CSMA/CGHS and Direct Payment System hospital w.e.f. 15-12-2001 by introducing the family health plan Ltd. scheme vide circular No. EP.43(21)99-EHP Vol. IV dt. 10-12-2001 and further vide circular of even number dt. 1-1-2002 without complying with the provisions of Sec. 9A of the Industrial disputes Act, 1947 is legal and justified? If not, to what relief the employees are entitled to?"

2. After the receipt of the reference the notices were issued to First Party and Second Party. The Second Party has submitted his Statement of Claim at Exhibit U-3 and has also submitted additional Statement of Claim at Exh. U-11. Whereas, the First Party has filed its Written Statement of Exh. C-5.

3. The Second Party is a union operating with the First Party and it is affiliated to B.K.N.K. Sangh. It is the contention of the Second Party that, the employees of Food Corporation of India have been enjoying medical reimbursement facilities extended to Central Govt. employees under Central Services Medical Attendance

(herein called C.H.M.A) and Central Govt. Health Scheme (C.G.H.S) for outdoor and indoor treatment. According to the Second Party Union, the employees of the first Party have been enjoying the medical reimbursement under above referred scheme since petty long time i.e. by way of custom. However the First Party w.e. f. 26-12-2001 has unilaterally introduced new medical reimbursement scheme which is known as Family Health Plan Ltd. Known as "F.H.P.L. Scheme". The said scheme was implemented or introduced for indoor medical treatment and by replacing two earlier reimbursement medical facilities. It is the contention of the Second Party that, while introducing and implementing F.H.P.L. Scheme, the First Party did not consult the Second Party. The protest letter issued by the second Party union was also not considered by the first Party and the medical health scheme under the name and style of F.H.P.L. Scheme was introduced by the First Party without issuing notice U/s. 9A of the I.D. Act. Therefore, the Second Party claims the implementation of F.H.P.L. Scheme as illegal change.

4. In spite of repeated request and protest in writing, the First Party did not stop the implementation of F.H.P.L. scheme and it was continued from December, 2001 to December, 2002. Therefore, the Second Party has approached to Asstt. Labour Commissioner by raising a dispute before him. The Conciliation Officer of the Central Govt. has tried to reconcile the dispute. However, as the dispute was ended in failure, the Conciliation Officer has referred the dispute to the Industrial Tribunal.

5. It is the contention of the Second Party that, because of implementation of F.H.P.L. Scheme, the employees of F.P. were required to sustain a loss of Rs. 46,95,624, in connection of medical bills of the employees of the First Party. The Second Party has claimed the said amount and has also claimed for some strict action against the First Party.

6. The First Party has resisted the claim by filing its Written Statement at Exh. C-5 wherein, it is contended that, the scheme made by the Second Party is false, frivolous and not based on true facts. The First Party has denied all adverse allegations made by the Second Party in respect of alleged illegal change and requirement of notice U/s. 9A of the I.D. Act. The First Party has also denied the locus standi of the Second Party by submitting that, since the First Party has been amalgamated with B.K.N.K. Sangh, the dispute ought to have been referred in the name of Organizing Secretary of BKNK Sangh. It is submitted that, even the Zonal Organizing Secretary of B.K.N.K. Sangh (West Zone) has verified and signed the reference. Even then, without making B.K.N.K. Sangh as Party to the proceeding, the reference is bad for non-joinder of necessary party.

7. While admitting CSMA and CGHS medical reimbursement facilities introduced by the First Party, the First Party also admits that, in the year 2001 by replacing these two medical reimbursement facilities, the First Party has introduced FHPL scheme. However the First Party categorically denies that, while doing so, the First Party has

committed any illegal change. The First Party categorically denies that, the implementation of medical reimbursement scheme forms part of service conditions. According to the First Party these medical reimbursement schemes are the welfare schemes for the benefit of employees and their dependants and they cannot be equated with the service condition of the employees. The First Party also claims them as perquisites and therefore also the First Party denies the same as service condition. For this reason only, the First Party submits that, by replacing two earlier medical reimbursement scheme, the implementation of FHPL scheme does not amount to illegal change and therefore, no notice is required u/s. 9A of the I.D. Act. It is also the contention of the First Party that, the First Party is governed by Food Corporation of India Act, 1964 and the First Party has powers and is vested with powers and regulations under which the medical reimbursement scheme has been introduced by the First Party and therefore also, for such introduction and implementation of FHPL Scheme, it does not amount to change.

8. It is also the contention of the First Party that, in comparison to earlier medical reimbursement, the FHPL scheme was more beneficiary and it covers the welfare and interest of larger group of the employees. More benefits are provided under FHPL scheme. Moreover, the implementation of FHPL scheme was on experimental basis muchless from Dec. 2001 to Dec. 2002. Therefore, for implementatin of FHPL scheme, the intention of the First Party was bonafide. Lastly, the First Party submits that, the Conciliation Officer has referred the dispute for restricted purpose i.e. for the employees of Pune Dist. only. However, the Second Party has claimed the benefit for the employees of Maharashtra, Madhya Pradesh, Chandigarh Gujarat and Goa including them in west zone. According to the First Party, the Conciliation Officer did not refer the dispute for the employees of these states and therefore, the Tribunal has no jurisdiction to consider the claim of employees from M.P., Chandigarh, Gujarat, Goa and Maharashtra, except Pune District. The First Party therefore, prays to reject the reference.

9. On respective contentions of the parties. I have framed following issues. My findings are recorded against the same.

| ISSUES  | FINDINGS |
|---|----------|
| 1. Does Party No. 2 prove that the introduction of family health plan limited scheme instead of medical reimbursement facilities indoor, outdoor under CSMA/ CGHS and direct payment scheme is an illegal change under Sec. 9A of I.D. Act? | ... No   |

2. If so, whether the Party No.2 is entitled to claim the consequential relief for the introduction of FHPL Scheme? ... No
3. What order? ... As per final order.

#### 10. REASONS:-

Before going through the evidence on record, it will not be out of place to go through some of the facts which are not seriously disputed. It is admitted position that, the employees of First Party at Pune District were enjoying medical reimbursement under CSMA and CGHS scheme for indoor and outdoor treatment. It is also admitted position that, there was another medical reimbursement scheme known as 'direct payment scheme'. It is admitted position that, by replacing CSMA and CGHS medical reimbursement scheme, the First Party has introduced FHPL medical reimbursement scheme. It is also admitted position that FHPL scheme was implemented only for one year and after 2002 by discontinuing FHPL scheme, the First party has continued its earlier medical reimbursement scheme, CSMA and CGHS medical reimbursement scheme. It is also admitted position that, the Second Party is affiliated to BKNK Sangh.

#### 11. ISSUE NOS.1 AND 2 :-

In view of above admitted position, before going to consider and discuss the evidence of Shri. Kotwal, Secretary of BKNK Sangh, and witness of the First Party, it is pertinent to note that, in present reference, the Second Party has claimed the relief for the employees of Maharashtra, Madhya Pradesh, Goa, Gujarat & Chandigarh on the ground that, these states are coming in west zone. The learned A.P.P. for the State has strongly objected for considering the relief of the employees except Pune District by submitting that, the Conciliation Officer while sending the reference to the Tribunal has requested the Tribunal to consider the effect of implementation of FHPL scheme for the employees of Pune District. In view of specific reference submitted by the Conciliation Officer of the Central Govt., I am of the clear opinion that, it is needless to consider the relief claimed by the Second Party in respect of employees of other States except Pune District.

12. In order to establish the illegal change on the part of the First Party, by implementing the FHPL scheme, the evidence of Shri Kotwal who is Zonal Organizing Secretary of BKNK Sangh is recorded at Exh. U.W. 1. He has tried to bring on record that the employees of First Party were enjoying medical reimbursement scheme of CSMA and CGHS since petry long time. Under the said schemes the employees of the First Party were getting reimbursement of the medical bills by direct payment system and said scheme was more convenient to the employees of First Party. However, suddenly in the year 2001 without consulting to the office bearer of the Second Party, the

earlier medical reimbursement schemes were replaced and FHPL scheme was introduced by the First Party. To the said scheme the Second Party claims it as illegal change. Shri Kotwal witness of the Second Party has also tried to bring on record that the Second Party has raised dispute before the Asstt. Labour Commissioner and specific directions were given by Asstt. Labour Commissioner to the First Party to maintain status quo. In spite of specific directions and pendency of dispute before Asstt. Labour Commissioner, the First Party has impleaded F.H.P.L. Scheme and has thus, violated the provisions of Sec. 33 of the I.D. Act. Shri Kotwal, witness of the Second Party has tried to bring on record that, because of implementation of FHPL scheme, the medical claims of the employees of the Second Party amounting to Rs. 46,95,624 remained unpaid for which the employees of Second Party are entitled to recover the same.

13. As against this on behalf of the First Party the evidence of Shri Sable and Gola Prasad recorded at Exh. CW -1 and CW-2. Witness Shri Sable has all the while tried to bring on record that, the implementation of FHPL Scheme is not illegal on the part of First Party, because the medical facilities under FHPL scheme or under CSMA and CGHS are coming the definition of perquisites and they cannot be equated with the service conditions. It is also tried to bring on record that, the service conditions of the employees of First Party are governed by Staff Regulation and U/s 45 of F.C.I. Act the First Party has right to prepare regulations therefore, the implementation of FHPL scheme is in consonance with Sec. 78 of the Staff Regulation and therefore, it comes in the proviso clause to Sec. 9 A of the I.D. Act and therefore, also, there is no question to consider illegal change. Witness Shri Sable has also tried to bring on record how FHPL scheme is more convenient and effective than two earlier Schemes. Witness Shri Gola Prasad has sung the same song of witness—Sable in respect of implementation of FHPL scheme as per Sec. 78 of Staff Regulation. This witness has also tried to bring on record that, in pursuance to the objections raised by BKNK Sangh about the implementation of FHPL scheme, a meeting was arranged and it was unanimously agreed about the implementation of FHPL scheme.

14. From the respective evidence put forth by the parties, it is seen that, it is not disputed that in the year 2001 FHPL scheme was introduced and implemented for one year. Though an attempt has been made by Mrs. Kadam, learned A.P.P. For the State to justify the implementation of FHPL scheme on the ground that, it was more convenient than two other earlier schemes and has tried to show that, under two earlier medical claims, it was obligatory for the patient to take treatment than to reimburse the amount. The said obstacle was not under FHPL scheme and patient was at liberty to move after taking treatment because of the amount of bill was ensured with Insurance company through F.H.P. Which was acting as mediator. Secondly, under old schemes the treatment was available

only in Govt. hospital and in Private hospital the treatment was permissible for 10 days. Whereas such restriction was not there in FHPL scheme. Thirdly, under FHPL scheme, for special treatment, the certificate of Govt. hospital against pre-payment by staff was condition precedent whereas in FHPL the recommendation of F.H.P. was required. Fourthly, under old scheme after period of 10 days, the patient was required to be shifted to Govt. hospital whereas under FHPL scheme, such restriction was for 60 days. With these differences though Mrs. Kadam, learned A.P.P. For the State has tried to bring on record that, FHPL scheme was more convenient and beneficial, I do not find any force in her submissions because admittedly, FHPL scheme was introduced and implemented on experimental basis that too, only for 1 year. After a period of one year FHPL scheme was cancelled and two earlier medical reimbursement schemes were continued. The cancellation of FHPL scheme after one year coupled with the fact that, old medical reimbursement schemes were continued, that itself goes unsaying that, FHPL scheme was not found suitable, convenient and beneficial. Therefore, I do not accept the submissions advanced by Mrs. Kadam.

15. Now, this takes me to important point for discussion about the illegal change U/s. 9A because of implementation of FHPL scheme. Therefore, to my mind, the point around which controversy centres as to whether the implementation of FHPL scheme amounts to illegal change, Sec. 9A of I.D. Act which speaks about illegal change. I would like to reproduce for the purpose of convenience.

“Sec. 9A— Notice of change :—No employer, who proposes to effect any change in the conditions of service applicable to any workman in respect of any matter specified in the Fourth Schedule shall effect such change.

(a) without giving to the workmen likely to be affected by such change a notice in the prescribed manner of the nature of the change proposed to be effected; or

(b) within twenty-one days of giving such notice:

Provided that no notice shall be required for effecting any change -

(a) Where the change is effected in pursuance of any settlement or award ;or

(b) where the workmen likely to be affected by the change are persons to whom the Fundamental and Supplementary Rules, Civil Services (Classification, Control and Appeal) Rules, Civil Services (Temporary Service) Rules, Revised Leave Rules, Civil Service Regulations, Civilians in Defence Services (Classification, Control and Appeal) Rules or the Indian Railway Establishment Code or any other rules or regulations that

may be notified in this behalf by the appropriate Government in the Official Gazette, apply."

16. Section 45 of the Food Corporation Act, 1964 gives power to the Food Corporation to make regulations with previous sanction of the Central Govt. and by publishing Regulation in Official Gazette by notifying it. Admittedly, the service conditions of the employees of the First Party are governed by Staff Regulation 1971. Regulation 78 speaks about the allowances and advances and sub-clause 4 and 5 of Regulation No. 78 says that, the Food Corporation has right to grant medical charges subject to the condition and has right to decide the terms and conditions for paying medical reimbursement facilities. The combined reading of Sec. 45 of F.C.I. Act and Sec. 78 of the Staff Regulation. It is seen that, under these two sections, the Corporation has right and authority to consider the medical reimbursement facilities. Now, with this position, on perusal of proviso clause 2 of Sec. 9A, it is seen that, notice of change U/s. 9A is not required when the workman likely to be affected by change are persons to whom the Fundamental and Supplementary Rules, Civil Services Rules, Revised Leave Rules, Civil Services Regulation, Defence Service Rules of Indian Railway Establishment Code are applicable. Now, in present case as earlier I have mentioned that, the service conditions of the employees of the First Party are regulated by Staff Regulation under which the First Party has right to consider medical reimbursement scheme and Sec. 45 of F.C.I. Act shows that, the First Party has right to make Regulations. By considering these legal position, the only conclusion that can be drawn that, the implementation of FHPL scheme does not come within the ambit of illegal change and therefore, I have no hesitation to conclude that, notice of change U/s. 9A is not required.

17. Leaving aside this aspect, it is also pertinent to note that, the First Party has come with a specific case that, after considering the objection of BKNK Sangh for the implementation of FHPL scheme, the meeting was called and M.O.U. was prepared in which, the implementation of FHPL scheme was discussed. Exhibit C-44 is the M.O.U. dt. 14-2-02. The said M.O.U. is signed by one Mr. Om Pal Singh President of BKNK Sangh. An attempt has been made by the Second Party to show that, said M.O.U. is not signed by the office bearer of the Second Party. While cross-examining the witness of the First Party, it has tried to bring on record that, mere attendance in the negotiations in connection of M.O.U. does not amount to consent. However, the very appearance of Om Pal Singh, President of BKNK Sangh also goes to show the notice or intimation given to him about the implementation of F.H.P.L. scheme. Therefore, even assuming for the sake of arguments that, for implementation of FHPL scheme notice U/s. 9A is required, even then, the attendance of Om Pal Singh for the purpose of negotiations in connection of M.O.U. dt.

14-2-02 that itself goes to serve the purpose U/s. 9A. Now, admittedly, the Second Party is affiliated to BKNK Sangh and it has stepped into the shoe of BKNK Sangh and therefore, it is not open for the Second Party to object M.O.U. dt. 14-2-02 merely on the ground that, it is not signed by the office bearer of Second Party. One more thing which requires consideration that, clause 4 of M.O.U. dt. 14.2.02 also goes to show unequivocally—"For smooth functioning of the system and to ensure that the welfare of the employees is not jeopardised, it has already been decided by the management to continue the old system also till such time FHP fully takes over. In other words, the patients can be referred to the private hospitals either empanelled by the FCI or under FHP Scheme till the FHP is fully operational."

18. After taking cursory glance of Clause 4 of M.O.U., it is crystal clear that, two earlier medical reimbursement schemes were agreed to be continued till F.H.P. Fully takes over and patients were permitted to take treatment in private hospital, either empanelled by F.C.I. or under F.H.P. Scheme. Now, the F.H.P.L. Scheme was continued hardly for one year. Considering this aspect, even assuming that, because of FHPL scheme, some inconvenience had taken place, it is very negligible. However, while coming to the conclusion that, the implementation of FHPL does not amount to illegal change, I am of the clear opinion that, the negligible inconvenience to the employees of Pune District because of implementation of FHPL, is not sufficient to grant any relief to the employees of Second Party. I therefore, further conclude that, the Second Party has failed to prove that, because of implementation of FHPL scheme, the First Party has affected illegal change. I therefore further conclude that, Second Party is not entitled to claim any amount. I therefore, decide Issue No. 1 and 2 in negative and pass the following order.

#### ORDER

1. Reference is answered in negative.
2. Parties to bear their cost.

PUNE

Dated: 28th Feb., 07

S. S. VYAVAHARE, Industrial Tribunal

नई दिल्ली, 13 मार्च, 2008

का.आ 772.—औद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 17 के अनुसरण में, केन्द्रीय सरकार अधिनियम बैंक के प्रबंधकों के संबंध में नियोजकों और उनके कर्मचारियों के बीच, अनुबंध में निर्दिष्ट औद्योगिक विवाद में केन्द्रीय सरकार औद्योगिक अधिकरण/श्रम न्यायालय, चेन्नई के पंचाट (संदर्भ संख्या 44/2006) को प्रकाशित करती है, जो केन्द्रीय सरकार को 12-3-2008 को प्राप्त हुआ था।

[सं. एल-12011/161/2005-आइआर(बी-II)]  
राजिन्द्र कुमार, हेल्थ अधिकारी

New Delhi, the 13th March, 2008

S.O. 772.— In pursuance of Section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the award (Ref. No. 44/2006) of the Central Government Industrial Tribunal/Labour Court, Chennai as shown in the Annexure in the Industrial Dispute between the management of Indian Bank, and their workmen, received by the Central Government on 12-3-2008.

[No. L-12011/161/2005-IR (B-II)]

RAJINDER KUMAR, Desk Officer

ANNEXURE

**BEFORE THE CENTRAL GOVERNMENT  
INDUSTRIAL TRIBUNAL-CUM-LABOUR COURT,  
CHENNAI**

Monday, the 17th December, 2007

Present: K. Jayaraman, Presiding Officer

Industrial Dispute No. 44 of 2006

(In the matter of the dispute for adjudication under clause (d) of sub-section (1) and sub-section 2(A) of Section 10 of the Industrial Disputes Act, 1947 (14 of 1947), between the Management of Indian Bank and their Workmen.)

**BETWEEN**

The General Secretary : I Party/Petitioner  
Indian Bank Employees Union  
No.25, Second Line Beach  
Chennai-600 001

**Vs.**

The Assistant General Manager : II Party/Management  
Indian Bank, Circle Head  
Circle Office, Kumbakonam

**Appearance:**

For the Petitioner : Sri K. J. Arunachalam,  
Authorised Representative

For the Management : Sri T. Jayasankar,  
Authorised Representative.

**AWARD**

The Central Government, Ministry of Labour vide its Order No. L-12011/161/2005-IR(B-II) dated 2-8-2006 referred the following Industrial Dispute to this Tribunal for adjudication:

The schedule mentioned in that order is:

"Whether the re-fixation of pay of Sri C. Natarajan, Clerk/Shroff vide order dated 15-6-2004 as a result of penalty imposed on him by the management of Indian Bank is correct? If not, what relief is the disputant concerned is entitled to?"

2. After the receipt of Industrial dispute, it was taken on file as I.D. No. 44/2006 and issued notices to both sides. Both sides entered appearance through their advocates and filed their claim and counter statements respectively.

3. The allegation in the claim statement are briefly as follows:

The petitioner union espouses the cause of an employee, Sri C. Natarajan who joined the services of Bank of Thanjavur as Clerk on 16-11-1974. The said Bank of Thanjavur was amalgamated on 22-2-1990 with the Respondent Bank and therefore the concerned employee became the employee of the Respondent Bank from then onwards. While so, the concerned employee was awarded the punishment of stoppage of one increment without cumulative effect w.e.f. 27-2-1997 for certain misconduct. As a result, the increment fell due on 15-11-1997 for the concerned employee was withheld and released on the next year of increment i.e. 15-11-1998. The concerned employee had reached the maximum pay in scale effective from 15-11-1998 after he was granted his last increment. Again he was awarded with yet another punishment of stoppage of one increment without cumulative effect by order dated 27-3-1999 and the concerned employee has reached the maximum time scale of pay applicable to his cadre as early as 15-11-1998. However, with a view to give effect to the punishment of stoppage of increment awarded to him, the 2nd party management considered proper to deprive the concerned employee of his Fixed Personal Pay (FPP) for which he was eligible after one year of reaching the maximum pay scale. The concerned employee in clerical cadre is eligible for stagnation increment three years after reaching the maximum of scale of pay and the concerned employee is given the stagnation increment effective from 15-11-2000. Therefore, he is eligible for second stagnation increment which fell due on 15-11-2003. But the Respondent Management did not sanction the second stagnation increment and the Respondent Management has decided to effect the punishment of stoppage of one increment by cancelling the stagnation increment on 31-10-2000 and denying the sanction of the second stagnation increment after a lapse of 5 years. Thus, they want to re-fix the basic pay of the concerned employee on account of the two punishments w.e.f. 27-12-1997 retrospectively and upon such re-fixation to effect recovery from the salary of the concerned employee of the so called excess payment made to him. The proposed action of Respondent Management in trying to unsettle the settled issue in the matter of implementing the two punishments of stoppage of one increment without cumulative effect is illegal. The several representations given by the petitioner union is without any effect. Hence, the petitioner union raised the dispute before the labour authorities and on its failure of conciliation, the matter was referred to this Tribunal. When the matter was pending before the Ministry of Labour, the Respondent Management sought to implement its decision to re-fix the pay of the concerned employee and therefore the filed a Writ Petition in WP No. 15846 of 2006 and obtained an interim stay of all further proceedings. Hence, for all these reasons, the petitioner prays this Tribunal to hold that the action of the Respondent Management is not

justified and consequently to pass an award in favour of the concerned employee.

4. As against this, the Respondent Management in his counter statement contended the concerned employee viz. Sri C. Natarajan has been worked as Clerk/Shroff in Mannargudi branch of the Respondent Management. His increment in the time scale applicable to clerical cadre was due on 15-11-1996 and he was sanctioned the increment raising his basic pay to Rs. 5270. While so, on 27-2-1997, he was awarded a punishment of stoppage of one increment without cumulative effect. As a result of this, he was not entitled to draw any increments that is due on 15-11-1997 and it became due on 15-11-1998 and he was sanctioned as such this increment on 15-11-1998. By virtue of drawing this increment during 1998, the concerned employee reached the maximum in the scale of pay and therefore the next increment will fall only on 15-11-2001 i.e. the stagnation increment which is due after 3 years from the date of reaching the maximum in the time scale. But, the concerned employee again awarded the punishment of stoppage of one increment without cumulative effect on 27-3-1999. The Fixed Personal Allowance/Pay shall be released only after 12 months from the date of reaching the maximum of scale in respect of those employees who were in service of the Respondent Bank. But by order dated 18-2-2000, the then Zonal Office, Pondicherry inadvertently sanctioned the concerned employee the Fixed Personal Allowance/Pay w.e.f. 15-11-1998. Therefore, it is not correct to say that the concerned employee is deprived of Fixed Personal Pay. The concerned employee was eligible to draw the Fixed Personal Pay only from 15-11-1999. No doubt, the stagnation increment was sanctioned w.e.f. 15-11-2000 to the concerned employee but the sanction was given inadvertently due to non-implementation of second punishment order imposed on him. The concerned employee still under normal circumstances earn his first, second and third stagnation increments, 3 years, 6 years and 9 years respectively after reaching the maximum in the time scale. Hence, the first stagnation increment though falls due on 15-11-2001 i.e. 3 years after 15-11-1998, he is not entitled to draw the same because of the punishment imposed on 27-3-1999. Therefore, the postponement of release of second instalment is a natural corollary to the punishment imposed. The second punishment of stoppage of one increment was imposed on 27-3-1999 could be implemented on the next increment which has fallen due on 15-11-2001 by withholding the same until the next increment which was due i.e. only on 15-11-2004. Therefore, one ineligible increment given from 15-11-2000 to 14-11-2004 which has to be recovered by way of implementation of the punishment. Therefore, the allegation that the second stagnation increment was denied to the concerned employee is misconceived. In

the year 2002, the concerned employee has submitted two representations for sanctioning of two stagnation increments and after that his case was reviewed and therefore revised sanction order was given to him for the same. There was no delay on the part of the Respondent Bank as alleged by the petitioner. The petitioner union cannot be allowed to challenge in two different forums simultaneously and it is nothing but abuse of process of law. As per Section-15 of Madras General Clauses Act, the authority who is empowered to issue an order has the same power to revise/rescind or revoke the order if the original order has been made on an erroneous basis or mistake. Hence, for all these reasons, the Respondent prays that the claim may be dismissed with costs.

5. Again the petitioner in his rejoinder statement contended it is not correct to say that the concerned employee became eligible for Fixed Performance allowance only from 15-11-1999. The concerned employee has reached maximum time scale as on 15-11-1997 and became eligible for Fixed Personal Pay on 15-11-1998 itself. It is also not correct to say that the concerned employee eligible for first second stagnation increment only from 15-11-2001. The Respondent Management after having failed to implement the punishment cannot at its sweet will and pleasure give effect to the punishment as and when it likes. If the said punishment had been implemented in the year 1997 itself, the concerned employee is entitled to get back the benefits upon completion of one year and therefore the Respondent Bank in trying to impose the said punishment with retrospective effect by postponing the Fixed Personal Pay and second stagnation increment is illegal and unjustified. Hence, the union prays for an award may be passed in favour of the concerned employee.

Points for determination are :

- (i) Whether the re-fixation of pay of the concerned employee by the Respondent Management as a result of penalty imposed on him is correct ?
- (ii) To what relief the concerned employee is entitled ?

Point No. 1

6. The admitted stand in this dispute is, the concerned employee viz. C. Natarajan who is working in the Respondent Bank was awarded a punishment under Ex. M6 dated 27-2-1997. The punishment by stoppage of one increment without cumulative effect and again he was awarded a punishment under Ex. M3 dated 27-3-1999, punishment of stoppage of one increment without cumulative effect. While the Respondent Bank have enforced the punishment of 27-2-1997, it has not implemented the punishment imposed on 27-3-1999. The case of the petitioner is that he has reached the maximum time scale as on 15-11-1998 and therefore, the second punishment of stoppage of one increment under Ex. M3 has not been implemented but the Respondent Bank as an alternative delayed the release of Fixed Personal Pay to which the concerned employee was eligible one year after reaching the maximum pay scale. It is further contention that though

the concerned employee entitled to stagnation increment 3 years after reaching the maximum scale of pay, the concerned employee was given the stagnation increment w.e.f. 15-11-2000 and he is eligible for second stagnation increment which fell due on 15-11-2003 but the Respondent Bank did not sanction stagnation increment when it fell due and has also not informed the reason for the delay in sanctioning the second stagnation increment. But he came to know that the Head Office of the respondent Bank has given instructions to the Circle Office which is in Kumbakonam to revise his Basic Pay on account of two punishment w.e.f. 27-2-1997 onwards retrospectively and upon such re-fixation, it has further directed to effect recovery from his salary of the so called excess payment made to him. It is the contention of the learned representative of the petitioner union that MW1 viz. the Manager of the Respondent Bank has clearly admitted that it was a mistake on the part of the Respondent Bank in not giving effect to the 2nd punishment of stoppage of one increment which was passed under Ex. M3, therefore the action of the Respondent Bank in trying to implement the punishment of stoppage of increment ordered under Ex. M3 after a lapse of more than 5 years is arbitrary, illegal and unjustified.

7. As against this, on behalf of the Respondent it is contended it is false to allege that the Respondent Management as an alternative delayed the release of Fixed Personal Allowance (FPA) to the concerned employee. In this case, it is admitted by the concerned employee that he has reached the maximum pay scale of pay on 15-11-1998. It is also admitted the FPA which the concerned employee was eligible one year after reaching the maximum pay scale, therefore he is entitled to get the FPA only in 1999 and therefore the Respondent Management has not delayed the release by one year. It is only due in 1999. Subsequently, the order passed under Ex. M3 dated 27-3-1999 which is a second punishment of stoppage of one increment without cumulative effect has to be implemented against the concerned employee in the next increment date but due to mistake this order has not been implemented in the sanction of next increments. Stagnation increments will be given to clerical staff once in 3 years after reaching the maximum. In this case, though order was passed in the year 1999 and though the individual has reached the maximum level in the year 1998, the first stagnation increment will be due only on 15-11-2001 and therefore the implementation of the stoppage of one increment is to be given effect only in the year 2001. Further, under Ex. M4 dated 18-2-2000, sanction of FPA to the concerned employee viz. Sri Natrajan, there was also a mistake wherein it is mentioned that the allowance is due w.e.f. 15-11-1998 but actually it should be given only from 15-11-1999. The concerned employee has given a representation 4-10-2000, a copy of which marked as Ex. M7. In that letter, he has said that he has reached the maximum level on 15-11-1997 but this is wrong fact because

it is admitted that he has reached the maximum level only on 15-11-1998, but the authorities on his misrepresentation released the sanction order for the stagnation increment but the said order is not a correct one. Even after his entitlement for a stagnation increment, the due date of the stagnation increment will be on 15-11-2001. Again, on 3-10-2002 under the original of Ex. M8, the concerned employee has given a representation and in that he has requested the second stagnation increment from 15-11-2002. But the Branch Manager has sent a letter under the original of Ex. M9 that he is not entitled to stagnation increment as claimed by him. Therefore, again on 3-10-2003, the concerned employee under the original of Ex. M10 has given a representation with regard to his second stagnation increment. Only after that, the authorities looked into the matter and on 7-6-2004 ordered re-fixation of his stagnation increments and the copy of the order is marked as Ex. M11 and the Respondent authorities have released the second stagnation increments to the concerned employee under the Ex. M12. Therefore, it cannot be said that recoveries of his stagnation increments will not be done by the Respondent authorities. There is no limitation to recover the amount wrongly given to the petitioner, as such, the petitioner is not entitled to any relief in this case.

8. But, again the learned counsel for the petitioner contended that the Respondent Bank by trying to implement the punishment of stoppage of increment in the year 2005 which was not implement from the date of order, thus, the Respondent Bank is now converting the said punishment which was only without cumulative effect by making it with cumulative effect. The Respondent Bank is not justified in doing so as the same is *ex facie* illegal and unjustified. He further contended the action of the Respondent Bank in trying to unsettle the settled issue in the matter of implementing the punishment of stoppage of one increment without cumulative effect and therefore the petitioner is entitled to the relief asked for. Further, he relied on the ruling reported in 1994, 6, SCC 154, BHAGWAN SHUKLA VS. UNION OF INDIA & OTHERS wherein the Supreme Court has held "*the appellant employee has obviously been visited with civil consequences but he had been granted no opportunity to show cause against the reduction of his basic pay. He was not even put on notice before his pay was reduced by the department and the order came to be made behind his back without following any procedure known to law. There has thus been a flagrant violation of principles of natural justice and the appellant has been made to suffer huge financial loss without being heard. Therefore, the impugned order by which the pay of the appellant fixed on his promotion as Guard from the Train Clerk was sought to be reduced is not sustainable*". But, again the learned representative of the Respondent contended that this judgement is not applicable to the facts of this case because in the case cited by the petitioner, the reduction of his basic pay was made without any notice to



the concerned employee but in this case on hand it is not so. It is admitted that punishment was awarded to the concerned employee and he has also admitted that it was not implemented by the Respondent authorities. Under such circumstances, it cannot be said that no notice was given to the petitioner before implementing the order of punishment.

9. On considering the entire facts of the case and also the argument of both sides, I am not inclined to accept the contentions of the learned representative of the petitioner because in this case, it is admitted by the concerned employee by mistake the Respondent authorities have not implemented the punishment imposed on 27-2-1999. Under such circumstances, I am inclined to accept the contention of the respondent authorities under Ex. M11 under which they have fixed his pay as per the punishments imposed on him. Though, the representative of the petitioner argued 5 years after the imposition of the punishment. The Respondent authorities have no authority to interfere with the order but he has not produced any authority to show that this order cannot be implemented after a lapse of 5 years. Further more, in this case, it is contended that stagnation increment will be given only after 3 years after reaching the maximum. Under such circumstances, I am not accepting the contentions of the petitioner that it is highly improper, unauthorized and unjustified, therefore, I find this point against the petitioner.

Point No. 2

The next point to be decided in this case is to what relief the concerned employee is entitled?

10. In this case, in view of my findings above, that the order dated 15-6-2004 is correct and justified, I find the concerned employee is not entitled to any relief in this case.

11. Thus, the reference is answered accordingly.

(Dictated to the P.A., transcribed and typed by him, corrected and pronounced by me in the open court on this day the 17th December, 2007.)

K. JAYARAMAN, Presiding Officer

#### Witnesses Examined

For the I Party/Petitioner : None

For the II Party/Management : MW1, Sri A. Balu

#### Documents Marked :

##### On the Petitioner's side

| Ex. No. | Date       | Description  |
|---------|------------|--|
| Ex. W1  | 26-11-1998 | Indian Bank, Zonal Office, Pondicherry letter sanctioning of Annual Increment to C. Natarajan w.e.f. 15-11-1996. |
| Ex. W2  | 12-12-1998 | Indian Bank, Zonal Office, Pondicherry letter sanctioning of Annual Increment to C. Natarajan w.e.f. 15-11-1998. |

|        |            |  |
|--------|------------|--|
| Ex. W3 | 27-03-1999 | Indian Bank, Zonal Office, Pondicherry punishment order imposing the punishments mentioned therein.  |
| Ex. W4 | 18-02-2000 | Indian Bank, Zonal Office, Pondicherry letter sanctioning Fixed Permanent Allowance w.e.f. 15-11-2000.   |
| Ex. W5 | 31-10-2000 | Indian Bank, HO/Personnel Department letter sanctioning 1st stagnation increment w.e.f. 15-11-1998.  |
| Ex. W6 | 23-06-2004 | ID raised by Indian Bank Employees Union before the ALC (C) against the alteration of existing service condition of the employee in the dispute. |
| Ex. W7 | 17-05-2005 | Rejoinder filed by Indian Bank Employees Union before the ALC (C) on the reply of the management on the dispute raised by the Union.             |

##### For the II Party/Management

| Ex. No. | Date       | Description  |
|---------|------------|--|
| Ex. M1  | 26-11-1996 | Sanction of Annual Increment w.e.f. 15-11-1996.  |
| Ex. M2  | 12-12-1998 | Sanction of Annual Increment w.e.f. 15-11-1998.  |
| Ex. M3  | 27-03-1999 | Punishment of stoppage of one increment without cumulative effect imposed on him.  |
| Ex. M4  | 18-02-2000 | Sanction of Fixed Personal Allowance (FPA) due to computerization w.e.f. 5-11-1998.  |
| Ex. M5  | 31-10-2000 | Sanction of 1st stagnation increment w.e.f. 15-11-2000.  |
| Ex. M6  | 27-02-1997 | Punishment of stoppage of one increment without cumulative effect imposed on him.  |
| Ex. M7  | 04-10-2000 | A representative from C. Natarajan seeking 1st stagnation increment w.e.f. 15-11-2000.   |
| Ex. M8  | 03-10-2002 | A representation from C. Natarajan seeking 2nd stagnation increment w.e.f. 15-11-2002.   |
| Ex. M9  | 23-04-2003 | A letter from the Branch Manager intimating about inadvertent claim made by C. Natarajan in his letter dated 3-10-2002 for 2nd stagnation increment w.e.f. 15-01-2002. |
| Ex. M10 | 03-10-2003 | A representation from C. Natarajan seeking 2nd stagnation increment w.e.f. 15-11-2003.   |

| Ex. No. | Date       | Description  |
|---------|------------|--|
| Ex. M11 | 07-06-2004 | Sanction of 1st and 2nd stagnation increments.   |
| Ex. M12 | 14-07-2004 | Intimating 2nd stagnation increment will fall on 15-11-2003 instead of 15-1-1997 due to non-cumulative effect. |
| Ex. M13 | 01-11-2004 | Sanction of 2nd stagnation increment w.e.f. 15-11-2003.  |

नई दिल्ली, 13 मार्च, 2008

का.आ. 773.—औद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 17 के अनुसरण में, केन्द्रीय सरकार यूनियन बैंक ऑफ इंडिया के प्रबंधन के संबद्ध नियोक्ताओं और उनके कर्मचारियों के बीच, अनुबंध में निर्दिष्ट औद्योगिक विवाद में केन्द्रीय सरकार औद्योगिक अधिकरण/अथवा न्यायालय, चेन्नई के पंचाट (संदर्भ संख्या 48/2007) को प्रकाशित करती है, जो केन्द्रीय सरकार को 12-3-2008 को प्राप्त हुआ था।

[सं. एल-12012/56/2007-आईआर(बी-II)]

राजिन्द्र कुमार, डेस्क अधिकारी

New Delhi, the 13th March, 2008

S.O. 773.— In pursuance of Section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the award (Ref. No. 48/2007) of the Central Government Industrial Tribunal-cum-Labour Court, Chennai as shown in the Annexure in the Industrial Dispute between the management of Union Bank of India, and their workmen, received by the Central Government on 12-3-2008.

[No. L-12012/56/2007-IR (B-II)]

RAJINDER KUMAR, Desk Officer

#### ANNEXURE

#### BEFORE THE CENTRAL GOVERNMENT INDUSTRIAL TRIBUNAL-CUM-LABOUR COURT, CHENNAI

Monday, the 31st December, 2007

#### PRESENT:

K. JAYARAMAN, Presiding Officer.

Industrial Dispute No. 48/2007

(In the matter of the dispute for adjudication under clause (d) of sub-section (1) and sub-section 2(A) of Section 10 of the Industrial Dispute Act, 1947 (14 of 1947), between the Management of Union Bank of India and their Workman.)

#### BETWEEN

Sri R. Veerasamy : I Party/Petitioner

Vs.

The Dy. General Manager : II Party/Management  
Union Bank of India  
Nodal Regional Office  
139, Broadway  
Chennai

#### APPEARANCES :

For the Petitioner : None  
For the Management : M/s. T.S. Gopalan & Co.  
Advocates

#### AWARD

The Central Government, Ministry of Labour vide its Order No. L-12012/56/2007-IR(B-II) dated 23-8-2007 referred the following Industrial Dispute to this Tribunal for adjudication.

The schedule mentioned in that order is :

"Whether the action of the Management of Union Bank of India in dismissing the service of Sri R. Veerasamy w.e.f. 25-11-2003 is legal and justified? If not, to what relief is the workman entitled?"

2. After the receipt of Industrial Dispute, this Tribunal has numbered it as ID/48/2007 and issued notices to both sides. The petitioner even though appeared for two hearings has not appeared for subsequent hearings nor filed any claim statement. On the other hand, the Respondent appeared through their advocate. Since the petitioner has not appeared for subsequent hearings, he was called absent and set ex-parte and the Respondent has asked to file his memo of objection and he has also filed his memo of objection.

3. The allegation in the objection are briefly as follows :

The petitioner who has worked as Special Assistant in the T. Nagar branch of Respondent has done various omissions and commissions thereby he has fraudulently credited a sum of Rs. 89,956/- to the SB A/c Nos. 44208 & 44063 in which he has got interest. After detecting this fraud, he was issued a charge sheet dated 22-4-2003. In the enquiry held against him, he has admitted the misconduct but he wanted to explain what led him to commit the misconduct. The petitioner further participated in the enquiry. The Enquiry Officer after giving him full opportunity to defend his case has given a finding on 20-10-2003 holding that the charges framed against him were proved. Then, the Disciplinary Authority after following the usual procedure has imposed the punishment of dismissal. The imposition of the punishment is legal and fully justified. Hence, he prays that this ID may be dismissed with costs.

The points for determination are :

- (i) Whether the action of the Respondent Bank in dismissing the petitioner from service is legal and justified?
- (ii) To what relief the petitioner is entitled?

#### Points (i) & (ii)

4. As I have already pointed out the petitioner even though appeared before this Tribunal for the 1st and 2nd

hearings, he has not appeared before the Tribunal subsequently nor filed any claim statement. Therefore, he was called absent and set ex-parte. The Respondent in his memo of objection has clearly stated that petitioner has admitted the charges framed against him in the domestic enquiry and he has further participated in the enquiry. The enquiry held against him is just and proper and there is no room for complaint. He further contended that the Enquiry Officer has given full opportunity to the petitioner to defend his case. Under such circumstances, it cannot be said that the enquiry held against him is not proper. The petitioner's appeal against the order passed by the Disciplinary Authority has also been rightly rejected by the Appellate Authority. The Respondent further contended that the petitioner by his commission and omission has fraudulently credited to the tune of Rs. 89,956 to two SB A/c in which he has got interest. Under such circumstances, the dispute raised by the petitioner is without any substance. The Respondent has also filed the copy of the charge sheet given to the petitioner which is marked as Ex. M1, the copy of the enquiry filed by him which is marked as Ex. M2, the copy of the order passed by the Disciplinary Authority which is marked as Ex. M3 and also the copy of the order passed by the Appellate Authority which is marked as Ex. M4. On perusal of the documents and on consideration of the entire arguments in this case, I am inclined to accept the contention of the Respondent. The petitioner has not appeared before this Tribunal to establish his case how the order passed by the Disciplinary Authority is not valid or justified. Hence, I find 1st point in favour of the Respondent.

5. The next point to be decided in this case is to what relief the petitioner is entitled. In view of my findings that the order passed by the Respondent Management is legal and justified, I find the petitioner is not entitled to any relief in this dispute.

6. Thus, the reference is answered accordingly.

(Dictated to the P.A., transcribed and typed by him, corrected and pronounced by me in the open court on this day the 31st December, 2007.)

K. JAYARAMAN, Presiding Officer

#### Witnesses Examined

For the I Party/Petitioner : None

For the II Party/Mgmt. : MW1, Sri R. Venkatramiah

#### Documents Marked :

##### On the Petitioner's side

| Ex.No.        | Date | Description |
|---------------|------|-------------|
| .....NIL..... |      |             |

##### On the Management's side

| Ex.No. | Date       | Description                     |
|--------|------------|---------------------------------|
| Ex.M1  | 22-04-2003 | Charge Sheet.                   |
| Ex.M2  | 22-04-2003 | Finding of the Enquiry Officer. |

Ex.M3 25-11-2003 Dismissal Order.

Ex.M4 29-07-2004 Appellate Authority rejecting the appeal.

नई दिल्ली, 13 मार्च, 2008

का.आ. 774.— औद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 17 के अनुसरण में, केन्द्रीय सरकार सेन्ट्रल बैंक ऑफ इंडिया के प्रबंधन के संबन्ध निम्नलिखितों और उनके कर्मचारों के बीच, अनुबंध में निर्दिष्ट औद्योगिक विवाद में केन्द्रीय सरकार औद्योगिक अधिकरण/ग्राम न्यायालय, कोलकाता के पंचाट (संदर्भ संख्या 38/1999) को प्रकाशित करती है, जो केन्द्रीय सरकार को 12-3-2008 को प्राप्त हुआ था।

[सं. एल-12012/131/1999-आई आर(बी-II)]

राजिन्द्र कुमार, डेस्क अधिकारी

New Delhi, the 13th March, 2008

S.O. 774.— In pursuance of Section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the award (Ref. No.38/1999) of the Central Government Indus. Tribunal -Cum Labour Court, Kolkata as shown in the Annexure, in the Industrial Dispute between the management of Central Bank of India, and their workmen, received by the Central Government on 12-3-2008.

[No. L-12012/131/1999-IR (B-II)]

RAJINDER KUMAR, Desk Officer

#### ANNEXURE

#### CENTRAL GOVERNMENT INDUSTRIAL TRIBUNAL AT KOLKATA

Reference No. 38 of 1999

Parties : Employers in relation to the management of  
Central Bank of India

AND

Their workman.

Present : Mr. Justice C. P. Mishra, Presiding Officer

Appearances :—

On behalf of the Management : Mr. T. R. Behara, Law Officer

On behalf of the Workman : Mr. D. K. Chatterjee, General  
Secretary of the Union.

State : West Bengal.

Industry : Banking.

Dated: 27th February, 2008

#### AWARD

By Order No. L-12012/131/99/IR(B-II) dated 29-09-1999 the Central Government in exercise of its powers under Sections 10(1)(d) and (2A) of the Industrial Disputes Act, 1947 referred the following dispute to this Tribunal for adjudication:

"Whether the action of the management of Central Bank of India, 33, Netaji Subhas Road, Calcutta-1 in dismissing Sh. Dulal Chandra Santra, Electrician of Brabourne Road Branch, Calcutta from the services on the charges of fraud is justified? If not, what relief the workman is entitled?"

2. This reference has been made at the instance of Central Bank of India Staff Congress (W. B.). The case of the union is that Shri Dulal Candra Santra who was an employee working as Electrician in the Central Bank of India, Brabourne Road Branch was suspended from service on 15-11-1993 for allegedly committing fraud to the tune of Rs. 9,500 on 12-11-1993. The Branch Manager of the concerned Branch of the Bank issued a memo dated 18-11-1993 addressed to the said workman. The Regional Manager as the disciplinary authority issued a chargesheet dated 19-01-1994 to the said workman. The allegations are that the workman fraudulently filled in the withdrawal slip in the name of one A. Chowdhury, HSS Account Number 3888 and wrote Rs. 9,500 on the said slip. It is alleged that the workman forged the signature on the said withdrawal slip and presented the same in the counter. He stole one token bearing No. BBR 371/A of the HSS Department of the Branch taking undue advantage of his position as a member of the staff of the bank. He affixed the related rubber stamp and misrepresented himself before the Second Paying Cashier and managed to receive payment pretending that he was receiving the money on behalf of Shri A. Chowdhury. The then Branch Manager of Belgachia Branch, Shri Biswanath Roy was appointed as Enquiry Officer on 19-01-1994 and on the same day Shri Chittaranjan Ghosh, JMI was appointed as Presenting Officer for the said enquiry. The enquiry was held ex parte and in the enquiry report the Enquiry Officer found the workman guilty of the charge as stated above. The union on behalf of the workman challenged the validity of the enquiry on various grounds. It is alleged that MW-3 (in the domestic enquiry) Shri Pradipta Das, First Payment Cashier stated that the withdrawal slip was in order in all respect as per the Bank's procedure and accordingly the said witness handed over Rs. 9,500 in 19 separate 500—rupee notes to the Second Payment Cashier through Saroj Roy Bhaownick for payment to one Shri A. Chowdhury. In such circumstance, the workman has stated that the payment of Rs. 9,500 was made to Shri A. Chowdhury and not to him. It is further stated that charges have been framed and brought against the workman without seeing the withdrawal slip for Rs. 9,500 issued HSS Account No. 3888 in the name of the account holder, Shri A. Chowdhury. The relevant withdrawal slip was not produced in the domestic enquiry. Accordingly, it is stated on behalf of the workman that the Enquiry Officer and the disciplinary authority acted mechanically. Therefore, it is stated that the disciplinary proceeding against the workman should be quashed. It is further alleged that the then Branch Manager of the Brabourne Road

Branch of the Bank by his letter dated 15-11-1993 suspended the workman although the said Branch Manager had no authority and power to suspend the workman and as such the suspension order is illegal. It is also stated that the workman as an Electrician could not be in custody of the tokens supplied to the customers of HSS Account holders against the cheques or withdrawal slips with pass book from the Token Counter Clerk. Tokens are received from the Cash Dept. or H/S/S Department by the Token Clerk during the beginning of working hours and tokens are kept in the custody of the Token Clerk. Before the closing of the Bank all the tokens are kept in safe custody. Therefore, the question of stealing of the token by the workman could not arise. Furthermore, the management did not lodge any F.I.R. against the workman with the local Police Station in this regard. The chargesheet issued against the workman in such circumstance is bad and the enquiry held ex parte is also against the principle of natural justice. It is also alleged that in terms of Clause 19.12(c) of the Bipartite Settlement the disciplinary authority before awarding any punishment have to consider the gravity of misconduct, the previous records of the employee and other extenuating or aggravating circumstance, but in this case the same were not at all taken into consideration. It is accordingly stated that the order of punishment in this case is illegal and it is prayed that the same be set aside.

3. In its written statement the Bank denies the statements and allegations made by the union on behalf of the workman in the statement of claims and states that the union tried to distort the facts and alleviate the gravity of the misconduct committed by the workman. It is stated that it has been proved by oral and documentary evidence adduced on behalf of the management before the Enquiry Officer that the workman had fraudulently withdrawn Rs. 9,500 from the Brabourne Branch of the Bank. It is also alleged that the workman taking advantage of his position, as an Electrician of the concerned Branch of the Bank perpetrated the fraud of withdrawing a sum of Rs. 9,500 forging the signature of an account holder, namely, A. Chowdhury. It was also not difficult for the workman to obtain the requisite rubber stamp for cash payment and to affix its impression upon the impugned withdrawal slip for obtaining cash payment. It is stated by the management that the entire modus-operandi of the fraud including the manner how he filled in the withdrawal slip at the canteen of the Branch and forged the signature of the account holder affixing the rubber stamp impression upon the said withdrawal slip and ultimate destruction of the said slip were all confessed by the workman in his letter of confession dated 15-11-1993 executed by him in the presence of the then Branch Manager of the concerned Branch of the Bank. Thus, it is found that the fraud was committed by the workman on 12-11-1993. It is accordingly stated that the action of the Bank in imposing the punishment against the concerned workman is legal, just and proper and it is prayed

that the claims of the workman be rejected and the reference be answered in favour of the Bank.

4. In view of the settled principle of law, as the correctness, legality or validity of the enquiry was challenged on behalf of the workman, which was defended by the management, it was decided to have a preliminary hearing on the point of validity of the enquiry and after hearing the parties this Tribunal vide order dated 29th January, 2004 held the domestic enquiry as conducted in the present case to be valid. The Tribunal thereafter fixed the case for hearing the parties on the adequacy or otherwise of the punishment as imposed in the matter and the parties were accordingly heard on the basis of the materials available on record.

5. It is evident that for inflicting the punishment the management has to comply with the requirements of the relevant standing orders which generally provide that while deciding as to what punishment should be awarded to the concerned employee, the management has to take into account the gravity of the misconduct, the previous record of the employee, if any or any other aggravating circumstance that may exist. If the order of dismissal or discharge is passed on the charges which have been proved in the domestic enquiry are sufficiently grave to award the punishment of dismissal or discharge, the fact that the past record of the workman was clean will be of no consequence. The law before insertion of Section 11A of the Industrial Disputes Act, 1947 was that the award of punishment under the Standing Orders was a matter for the management to decide and if there was any justification for the punishment imposed, the Tribunal could not interfere as it was not required to consider the propriety or adequacy of punishment or whether it was excessive or too severe. The Hon'ble Supreme Court in a recent decision viz. *Hombie Gowda Educational Trust & Anr. V. State of Karnataka & Ors.*, 2006 S.C.C.(L & S) 133 has held that discretionary jurisdiction to interfere with the quantum of punishment can only be exercised when the inter alia it is found no reasonable person could inflict such a punishment or when relevant facts which would have a direct bearing on the question has not been taken into consideration. The management has also placed reliance on number of case laws viz. *C.L. Subramaniam v. The Controller of Customs, Cochin*, AIR 1972 SC 2178, *Mahindra & Mahindra Ltd. v. N.B. Naravade etc.*, 2005 LAB.I. C. 1333(SC), *V. Ramayana v. A.P. SRTC & Ors.*, 2005 S.C.C.(L&S) 69, *Bharat Heavy Electricals Ltd. v. M. Chandrasekhar Reddy & Ors.*, 2005 S.C.C.(L&S) 282, *Divisional Controller N.E.K.T.C. v. H. Amaresh*, 2005 S.C.C.(L&S) 1290 and *J.K. Synthetics Ltd. v. K.P. Agarwal & Anr.*, (2007) 2 S.C.C. 433 wherein the above proposition of law laid down by the Hon'ble Supreme Court have been reiterated.

6. It is evident that the allegation against the workman is that he fraudulently filled in the withdrawal slip in the name of one A. Chowdhury for an amount of

Rs. 9,500 and forged the signature on the said withdrawal slip and presented the same at the counter of the Bank. In this connection he also stole one token taking undue advantage of his position as a member of the staff and also affixed the rubber stamp and misrepresented himself before the Paying Cashier to get the amount pretending that he was receiving the money on behalf of said Sh. Chowdhury. An enquiry was conducted by Mr. Biswanath Roy and the workman was assisted by one Mr. G.K. Awasthi in the enquiry. The workman along with his defence representative had participated during the enquiry though of course on some dates they remained absent in spite of the fact that sufficient information was given to him in this regard to remain present in the enquiry which was conducted against him after giving him full and proper opportunity in this regard. This aspect of the matter was dealt with by my learned predecessor while considering the correctness, legality and validity of the enquiry held in this regard and it has been held that the domestic enquiry as conducted in the present case was quite legal and valid and it did not suffer from any such violation of the principles of natural justice for the same in this regard. It is also evident that in industrial law the acts of theft, fraud and dishonesty apart from being exposed to the criminal liability under the criminal law has been treated as acts of misconduct justifying dismissal. Any behaviour of an industrial employee which does not conform to get an uprighteous conduct of an human being or the customs and expected standard of the society such as justice, honesty, integrity etc. may apart from being a criminal offence constitute an act of industrial misconduct.

7. It has been argued on behalf of the workman that in this case the decision of the disciplinary authority and that of the appellate authority are perverse as material placed by the workman had not been considered at all with proper application of mind and on careful perusal of the material it can be seen that the workman is not guilty of the charges of misconduct. It has also been argued that the punishment is disproportionate to the alleged misconduct. Particularly, he has referred to the factual aspect of the charge framed against the workman by saying that the workman is innocent and the so-called confessional letter signed by him is out of undue pressure exercised by the bank staff and furthermore with the deposit of the amount by the workman there is no question of any loss to the Bank and also that there is no legal evidence to show that the workman had committed any such fraud since the so called account holder, A. Chowdhury from whose account the money was said to have been withdrawn had not been produced during the enquiry nor did he maintain any such Account No. 3888 with the Bank and so there was no question of any such withdrawal from that Account or the token being taken by the workman for the same. Also that no FIR had been lodged against the workman regarding any such commission of theft by him at the instance of the Bank

authorities. The alleged withdrawal slip through which the amount was withdrawn also was not produced during the enquiry merely on the pretext that it had been destroyed by the workman himself. Thus, according to him, there is no legal evidence to show the guilt of the workman so as to hold him guilty of the charges levelled against him in this case. It is evident that all pleas and points raised by the workman were fully considered by the Enquiry Officer as well in his report Ext. W-5 during the course of the enquiry and he has given his own findings thereon. On the perusal of the report of the Enquiry Officer and the findings given therein for the withdrawal of the amount by the workman, it is evident that apart from the confessional statement of the workman vide Exts. M-6 and M-7, it has been found by the Enquiry Officer that the workman did not produce any oral or documentary evidence to defend himself inspite of sufficient time and opportunity having been given to him in this regard. He had also considered the documentary evidence produced by the management, i.e., Exts. ME-5 and ME-6 which are confessional letters/statement written by the workman himself in Bengali which duly signed by him in English as well and his signature was duly verified by the official of the Bank as per his specimen signature with the Bank of his own account. This letter was submitted by the workman in the presence of four other persons who had also supported this fact during the course of enquiry as well against the workman. Apart from that, the Second Paying Cashier who had actually so paid the said amount personally to the workman had also stated the fact against him to say that the amount was taken personally by the workman himself through the token given to him on that date. Since the workman was personally known to the Cashier he had handed over the said amount taking advantage of being a member of the staff of that branch and on his assurance that the same was being collected by him on behalf of the real account holder, Shri Chowdhury.

8. All these facts are also so borne out from the perusal of the statement given by the concerned workman even before this Tribunal as he has admitted here too that he had written that letter of confession of his guilt as he says that "The management and Accountant had called me to chamber and asked me to write down my confessional statement with the assurance that they shall try to help me in the matter and accordingly I wrote this letter. This is the written statement in my pen and signed by me Ext. M-1. They had also asked me to return the amount saying that it will not cause any harm and accordingly I had paid the amount. This letter was written and signed by me, marked Ext. M-2. During the enquiry also I had stated this fact." This very statement as given by the workman before this Tribunal itself goes to show that the confessional letter was written by him. There is no such allegation of any undue pressure or any threat given to him so as to show that he had been subjected to any such threat or force to obtain it. This goes to show that the charges levelled

against the workman about the withdrawal of the said amount by him and then its deposit made subsequently as made by him itself goes to show that he had been very much involved for the said fraudulent transaction made by him causing financial loss to the Bank. There is no ground to believe him to be innocent that he had been just put to a pressure of the bank staff members to do it as they absolutely had no personal animosity or grudge towards him so as to falsely implicate him or to be a part of fraudulent act done by him in this regard. There is no statement of any other person or Bank official to support him except his own personal explanation given about the confessional writing Ext. M-1. It is found that the other witness so examined on his behalf, i.e., Subhas Chandra Pakrashi, WW-2 who also had been posted in that Branch does not support him for this as it is clear from his statement that on the date of occurrence he was not present at all in the Bank premises on that day and nothing had happened in his presence or to his knowledge as stated by him in the cross-examination that he was not personally acquainted with the factual circumstances of the case at all.

9. On the other hand to prove the case against the workman, the management examined the officials concerned to prove it viz. Saroj Roy, MW-2 who clearly stated that on that date he had personally handed-over the cash amount to the workman since he had produced the token to him. It is further stated by him that he had enquired from the workman as to how he was receiving the payment and then it was told by the workman that the recipient was known to him and that he had asked to him to receive the payment on his behalf and as such the amount was paid to him on that date. There is nothing in the cross-examination to show that the said payment was not so made by the Cashier to the workman or that he had given a false statement against him due to any personal grudge or bias against him so that the same could be said to be motivated or false. The other witness Chayan Sengupta, MW-3 was also examined on behalf of the management to fully support the charges against the workman that the workman had admitted his guilt before him as per his statement vide Ext. M-6. He also denied to have exercised any pressure or influence upon the workman to write this confession, Ext. M-6. It is also stated by him that the workman himself had deposited the money through a deposit voucher, Ext. M-9 putting his own signature thereon and also that he had given in his own writing that he was depositing the money without any pressure or coercion, Ext. M-7.

10. The aforesaid conduct of the workman together with the confessional letter, Ext. M-6 written by him clearly go to show that there is no question of any false implication on account of some animosity or prejudice or bias against the workman who also did not mention to any such fact and circumstance while making his appeal against the order of the disciplinary authority to the Appellate Authority vide

Ext. W-6. It is found therein as well that he had only pleaded for mercy for his case in the light of his unblemished service career and also taking consideration of his family circumstances and other sympathetic points that he had no other source of income to maintain them. He assured the Bank authorities that in case he was given a chance to serve the institution he would not commit any such incident in future. It was further stated that since he had fully repaid the loss caused to the Bank by depositing the entire amount of Rs. 9,500 and so he pleaded that whatever mistake he had committed due to lack of knowing legal and technical consequences and it was due to ignorance of the banking procedure and on all these grounds it was prayed by him that his appeal be allowed.

11. In view of the above and considering all these facts it clearly go to show that the charges levelled against the workman were based on positive evidence and sufficient materials on the record and the findings of the Enquiry Officer in his report, Ext. W-5 also go to show and prove the charges against him. The findings were on the basis of the legal evidence so adduced by the management during the departmental enquiry and the findings of the Enquiry Officer can't be said to be without any basis or perverse. The legal position is that the finding of the Enquiry Officer cannot be challenged on the ground that the evidence adduced before it is insufficient. If there is some evidence to reasonably support the conclusion of the Enquiry Officer, it is not the function of the Industrial Tribunal to review evidence and arrive at its own finding. Adequacy or reliability of evidence is not a material which can be considered by the Tribunal. The jurisdiction of the Tribunal is to see that the finding is based on some material available on the record. In the case of disciplinary enquiry the technical rules of evidence have no application. Preponderance of probabilities and some materials on record are necessary to arrive at the conclusion whether or not the delinquent has committed misconduct and liable to punishment considering the gravity of the charges so levelled against him by the employer.

12. In *Chairman and Managing Director, United Commercial Bank and others v. P.C. Kakkar* (2003 Lab. I.C.1202) it has been held as under:

"12. To put in differently, unless the punishment imposed by the disciplinary authority or the Appellate Authority shocks the conscience of the court/tribunal, there is no scope for interference. Further, to shorten litigation it may, in exceptional and rare cases, impose appropriate punishment by recording cogent reasons in support thereof. In the normal course if the punishment imposed is shockingly disproportionate it would be appropriate to direct the disciplinary authority or the appellate Authority to reconsider the penalty imposed."

"15. ....It needs to be emphasised that when a court feels that the punishment is shockingly disproportionate, it must record reasons for coming to such a conclusion.

Mere expression that the punishment is shockingly disproportionate would not meet the requirement of law."

On the issue of punishment being disproportionate to the offence alleged to have been committed by the workman, the ratio of law laid down by the Hon'ble Apex Court in *State of U.P. Vs. Sheo Shankar Lal Srivastava & Ors.* (2006 Lab. I.C. 1326) is reproduced hereinbelow:—

"22. It is now well settled that principles of law that the High Court or the Tribunal in exercise of its power of judicial review would not normally interfere with the quantum of punishment. Doctrine of proportionality can be invoked only under certain situations. It is now well settled that the High Court shall be very slow in interfering with the quantum of punishment, unless it is found to be shocking to one's conscience."

13. In this case as the facts proved against the workman go to show that it is not in dispute that the workman was not present on the date of incident in the Bank when the alleged fraud had been so committed by him by withdrawing the said amount from the Bank. It is also not in dispute that he had written the confession letter, Ext. M-1 after the said fraud was detected on the very next date when the daily cash book and the supplementary cash book did not tally with each other and the fraud came into light on inspection. The argument raised on behalf of the workman about the non-existence of the account of one A. Chowdhury or that he being not examined to prove the withdrawal of the amount from his account and further non-production of the withdrawal slip through which the money was withdrawn by the workman etc. does not hold good as it is a case of fraud committed by the workman on the basis of fictitious account and the evidence of withdrawal slip etc. were also so destroyed by him taking advantage of his position as the employee of the Bank and the amount paid to him by the Cashier. As discussed about it earlier these facts were positively proved and established by the management during the enquiry and the concerned officials of the Bank have also appeared in this Tribunal as witnesses viz. Saroj Roy and Chayan Sengupta, MW-2 and MW-3 respectively to support the allegations made against the workman who also made confession of his guilt as well in this regard vide Ext. M-1 which itself could be taken as a legal evidence against him to prove the charges of his fraudulent act done by him of the withdrawal of the amount from the Bank.

14. In view of all these facts the punishment of dismissal from service as imposed upon the concerned workman cannot be said to be disproportionate to the gravity of the offence as it was a case of fraud which clearly amounts to a misconduct. The action of the management of Central Bank of India, 33, Netaji Subhas Road, Calcutta-1 in dismissing Sh. Dulal Chandra Santra, Electrician of Brabourne Road Branch, Calcutta from the services on the charges of fraud in thus found to be quite justified and

proper and as such the workman is not entitled to any relief so claimed by him.

The reference is answered accordingly.

C. P. MISHRA, Presiding Officer

Dated Kolkata;

The 27th February, 2008

नई दिल्ली, 13 मार्च, 2008

का.आ 775.—औद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 17 के अनुसरण में, केन्द्रीय सरकार ओरियण्टल बैंक ऑफ कॉमर्स के प्रबंधन के संबंध नियोजकों और उनके कर्मचारों के बीच, अनुबंध में निर्दिष्ट औद्योगिक विवाद में केन्द्रीय सरकार औद्योगिक अधिकरण/श्रम न्यायालय न. 2, चंडीगढ़ के पंचाट (संदर्भ संख्या 1140/2005) को प्रकाशित करती है, जो केन्द्रीय सरकार को 10-3-2008 को प्राप्त हुआ था।

[सं एल-12012/550/88-डी.-2(ए)]

राजिन्द्र कुमार, डेस्क अधिकारी

New Delhi, the 13th March, 2008

S.O. 775.—In pursuance of Section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the award (Ref. No.1140/2005) of the Central Government Industrial Tribunal-Cum Labour Court, No. 2, Chandigarh as shown in the Annexure, in the Industrial Dispute between the employers in relation to the management of Oriental Bank of Commerce and their workmen, which was received by the Central Government on 10-3-2008.

[No. L-12012/550/88-D-2(A)]

RAJINDER KUMAR, Desk Officer

#### ANNEXURE

#### CENTRAL GOVERNMENT INDUSTRIAL TRIBUNAL-CUM-LABOUR COURT-II, SECTOR 18-A, CHANDIGARH

PRESIDING OFFICER: SHRI KULDIP SINGH

CASE I.D. NO: 1140/2005

Registered on: 23-09-2005

Date of Decision: 18-02-2008

Jagdish Kumar and ors.

...PETITIONERS

VERSUS

Oriental Bank of Commerce, Sector 17, Chandigarh

...Respondent

#### APPEARANCES

For the Workman Mr. Sandeep Bhardwaj,  
Advocate,

For the Management Mr. Ranjan Lohan, Advocate.

#### AWARD

Vide their order No.: 12012/550/88-D2(A) dated 29th of March, 1989 the Ministry of Labour, Government of India referred the following dispute for the adjudication of CGIT-cum-Labour Court, Chandigarh:

"Whether the action of the management of Oriental Bank of Commerce in terminating the services of the workmen mentioned in the annexure and not considering them for further employment while recruiting fresh hands under section 25H of the I.D. Act is justified? If not, to what relief are the concerned workmen entitled?"

The reference so received was registered as ID No. 45 of 1989. It appears that the said reference was then entered as ID No. 76 of 1998 when the same was received back on remand by the High Court of Punjab and Haryana whereas it should have been restored to its original No. On transfer of this reference to this Tribunal, it was registered as I.D. No. 1140 of 2005 and is being disposed of as such.

In compliance to the notices issued, the parties appeared and joined the issue. They filed their respective pleadings. Management raised preliminary objections to the maintainability of the reference and insisted upon deciding the same before calling upon the parties to lead evidence for and against their respective claims. The then learned Presiding Officer vide his award dated 10th of Oct. 1994 allowed the objection raised by the Management and held that the workmen cannot be termed as retencibles and so they are not entitled to any relief. The reference was held to be without merit and the termination of services of the workmen as justified and proper. The workmen approached the Hon'ble High Court of Punjab and Haryana by way of Civil Writ Petition No. 6685 of 1996. Their Lordships of the High Court allowed the Writ petition and quashed the award so passed. They directed the Tribunal to go into the facts of the case once again and answer the reference.

It may be noted here that as per the schedule attached there were a number of workers whose case was referred for adjudication through the present reference. However, after the remand of the case only three of them namely Jagdish Kumar, Yogesh Sharma and Ms. Sumita Rani approached this Tribunal, whereas the other workmen have not appeared nor produced any evidence in support of their respective cases. The other aspect to be kept in mind is that this Tribunal is required to consider the case of the workmen as a whole as if there was no award passed by my predecessor which was quashed by the Hon'ble High Court. It has also to be borne in mind that this Tribunal cannot go beyond the terms of the reference. In the case of Mukand Ltd. Vs. Mukand Staff and Officers Association reported as 2004(10) SCC 460, Hon'ble Supreme Court has laid down the law that the Tribunal derives its jurisdiction from the reference. In terms of Section 10, sub-section 4, the Tribunal has to confine its jurisdiction to the point of dispute specified in the reference and confine its adjudication to those points and matters incidental there to. With this view in mind, as per the reference, the Tribunal is required to adjudicate upon whether the management had terminated the services of the workmen and had not



considered them for further employment while recruiting fresh hands under Section 25H of the I.D. Act. Taken from other angle the reference is whether the action of the management in doing so is justified or not.

If we go into the pleadings of the parties we find that the claim of all the three workmen, who are prosecuting their cases is almost similar except the number of days they have worked for the management and the period during which they so worked. Stated in brief the claim of the workmen is that Shri Jagdish Kumar workman worked for the respondent bank from 1-7-85 to 18-11-1985 for 89 days as peon, Shri Yogesh Kumar worked as a clerk for the respondent at Abohar up to 17-8-83 whereas Ms. Sunita Rani had worked as clerk from 16-6-86 to 29-11-1986 for 64 days. Further claim of the workman is that the management gave false breaks in the service career of the workman whereas they regularly worked for them. Their further claim is that they could have worked for the management for more than 240 days had the management not put false breaks in their service career as the work was available with them. It is also claimed by them that the management engaged a number of workmen after the termination of their services without providing opportunities to the workmen to opt for working and so they violated the provisions of Section 25H of the Act.

All the three workmen appeared as witness in support of their respective claims. Shri Yogesh Sharma who proved his affidavit Ex. W-3 in his statement claimed that he had worked for the management for 100 days although his presence was shown only for 87 days. He further admitted that his appointment was not through any Banking Service Recruitment Board. He however, claimed that his engagement was against the clear vacancy. In the same breath he claimed that the contents of his claim statement are correct. Ms. Sunita Rani in her statement admitted that her appointment was on temporary basis but denied that it was for a specified period. She further admitted to have served the management for 65 days but denied that her appointment was not against the clear permanent vacancy. She further admitted that her recruitment was not done through the Bank Service Recruitment Board; and that she had never appeared for recruitment through the said board as clerk. The 3rd workman also made a similar statement and admitted that he had served the management for 89 days; and that his appointment was for that period. He further admitted that his appointment was not through employment exchange or through recruitment board and he had not faced any test or interview before his engagement.

The perusal of the statement of the workmen, who appeared as witness, narrows down the controversy. The workmen have failed to bring any evidence on record to show that the management had recruited fresh hands after the termination of their services. In their oral statement they did not name any person having been appointed on the posts on which they had worked after the termination

of their services. Although in para 5 of their claim petition they named three persons such as Mahadev Parshad, Ashok Kumar and another Ashok Kumar having worked for the management for the days shows against them. The management in their written statement denied the claim of the workman as wrong. In that eventuality it was required of the workmen to have produced positive evidence to support their claim but as stated earlier the workmen have failed to produce any evidence to show that the three named persons had worked for the management after the termination of the services of the workmen. It is also worth note that Shri Jagdish Kumar in his affidavit only made a vague claim in para No. 7 that the juniors to him were retained by the management while terminated his services. He did not name any person who was junior to him and who was retained by the management while terminating his services. Shri Yogesh Kumar in his affidavit named some persons in para No. 4 of his affidavit but produced no evidence to support that claim. Ms. Sunita Rani also made similar claim in her affidavit in para 4 but produced no evidence. Whatever is stated by the workmen in this regard was denied by the witnesses of the management in their affidavits and by two of them also in their oral statements recorded in the Tribunal. As per the evidence available on the record none of the three workmen had worked for the management for 240 days. With regard to the allegation that the management resorted to unfair labour practice by giving false breaks in the service career of the workmen even when the work was available, I would say that there is no reference to this Tribunal to go in that matter and therefore, the same aspect cannot be considered. Since the workmen had not worked for the Management for 240 days as per their own admission, before the termination of their services, their termination was not bad in law and they were not entitled to the protection under the Act. As regards the claim of violation of Section 25H of the I.D. Act I find no evidence to show that the management had engaged persons after the termination of the services of the workmen. The workmen have utterly failed to produce any evidence in this regard. In my opinion they are not entitled to any relief and the reference is answered against them. Let a copy of this award be sent to the appropriate Govt. for necessary action and the file be consigned to record after due completion.

KULDIP SINGH, Presiding Officer

नई दिल्ली, 13 मार्च, 2008

का.आ 776.—औद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 17 के अनुसार में, केन्द्रीय सरकार दूर संचार विभाग के प्रबंधन के संबद्ध नियोक्ताओं और उनके कर्मचारों के बीच, अनुबंध में निर्दिष्ट औद्योगिक विवाद में औद्योगिक अधिकरण/ग्राम न्यायालय, अजमेर के पंचाट (संदर्भ संख्या.....) को प्रकाशित करती है, जो केन्द्रीय सरकार को 13-3-2008 को प्राप्त हुआ था।

[सं. एल-40012/246/94-आई अर(डी.यू.)]

सुरेन्द्र सिंह, डेस्क अधिकारी

New Delhi, the 13th March, 2008

**S.O. 776.**— In pursuance of Section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the award of the Labour Court & Industrial Tribunal, Ajmer as shown in the Annexure, in the Industrial Dispute between the employers in relation to the management of Department of Telecom, and their workmen, which was received by the Central Government on 13-3-2008.

[No. L-40012/246/94-IR (DU)]

SURENDRA SINGH, Desk Officer

अनुबंध

न्यायालय श्रम एवं औद्योगिक न्यायाधिकरण, अजमेर  
(राज.)

पीठासीन अधिकारी : श्री आर.एस.स. मीणा, आरएचव्हेएस प्रकरण  
प्रकरण संख्या -सीआईटी आर 04/96

[रेफरेंस नं. एल-40012/246/94-आई.आर.(डी.यू.)दि. 26.2.96]

राजनिवास पुत्र श्री गोवरधनलाल गांव धाबी करीगरन फुलेराम जिला  
जयपुर (राज.)

.... प्रार्थी

बनाम

सब डिवाइजन्स ऑफिसर (टेलीफोन) दूर संचार विभाग, अजमेर

..... अप्रार्थी

उपस्थित: श्री वी.डी. भार्गव, अधिवक्ता, प्रार्थी।

: श्री अशोक माथुर, अधिवक्ता, अप्रार्थी।

दिनांक: 18-2-08

अवार्ड

केंद्र सरकार द्वारा प्रेषित विवाद निम्न प्रकार है:-

"Whether the action of the management of P& T through SDO (T), Ajmer in terminating the services of Sri Ram Nivas S/o Sri Goverdhan Lal is legal and justified? If not, to what relief the workman is entitled to?"

नोटिस के उपरान्त उभयपक्ष उपस्थित आये। प्रार्थी ने अपने क्लेम के विवरण में अंकित किया है कि उसने नियोजक नं. 3 के अधीन बेलदार के पद पर दि. 1-1-87 से रखा था और दिनांक 1-1-88 को उसकी सेवायें समाप्त कर दी गयी। इस सेवा पृथक्करण के विरुद्ध उसने ए.एल.सी.(सेटल) के समक्ष आवेदन दि. 6-5-89 को समझौता कराने के लिए गया और वहां प्रार्थी के आवेदन पर दि. 6-5-88 को समझौता संपन्न कराया उसमें समझौता की प्रमुख शर्त यह थी कि प्रार्थी को पुनः काम पर लिया जायेगा और जब तक उसे काम पर नहीं लिया जावेगा उससे जूनियर श्रमिक को भी काम पर नहीं लिया जावेगा। अप्रार्थी नियोजक ने पक्षकारों के मध्य समझौते का उल्लंघन किया और आई.डी.एक्ट की धारा 25एफ का पालन नहीं करने पर दि. 22-10-88 को ए.एल.सी. के यहाँ प्रार्थना की और दि. 28-2-89 को सेटलमेंट किया। इस सेटलमेंट की पालना में प्रार्थी ने

नसीराबाद में 10-3-89 तक काम किया लेकिन 11-3-89 को प्रार्थी को काम पर नहीं लिया जबकि प्रार्थी रोज नियोजक के यहाँ चक्कर लगाता रहा। प्रार्थी को दि. 27-3-89 को एक पत्र मिला जिसकी पालना में ड्यूटी ज्वाइन करने नसीराबाद गया लेकिन काम पर नहीं लिया और प्रार्थी ने 29-3-89 को अप्रार्थी नं.3 के यहाँ प्रार्थना पत्र दिया लेकिन कोई जवाब नहीं दिया। प्रार्थी ने संशोधित क्लेम के पैरा नं. 5ए में वर्णित किया है कि उसने अप्रार्थीगण के अधीन दि.13-4-91 से 18-4-91 तक दि. 20-4-91 को (मदनगंज में) दि.14-6-91 से 23-6-91, दि. 29-6-91, 30-6-91 से 2-7-91, 4-7-91 से 5-7-91 व 15-7-91 से 8-10-91 तक कार्य किया। उसके बाद बिना किसी कारण के बदलीयती पूर्वक उसे सेवा से पृथक् कर दिया। जिसकी प्रार्थी की खरिदता को नजरअंदाज कर कनिष्ठ श्रमिकों को काम पर रखा जिससे सेटलमेंट की शर्तों का उल्लंघन हुआ। आगे बताया है कि प्यारेलाल व रूपचंद को काम पर रख लिया। प्रार्थी को 27-3-89, 29-10-91 को काम पर नहीं लिये जाने के कारण निम्नलिखित आधारों पर अपनी प्रार्थना की है:- (ए) अप्रार्थी आई.डी.एक्ट के प्रावधानों के अनुसार उद्योग की श्रेणी में आता है (बी) प्रार्थी वर्कमैन की तारीफ में आता है (सी) प्रार्थी का सेवा पृथक्करण आई.डी.एक्ट की धारा 25एफ, जी.एच. का उल्लंघन किया जबकि श्रमिक ने सेवामुक्ति दिनांक से पूर्व के बारह महीनों में 240 दिन काम कर लिया है न तो उसे कोई नोटिस दिया और न ही एक महीने का कोई वेतन या क्षतिपूर्ति दी है। (डी) नियोजक के यहाँ कार्य स्थाई प्रकृति का है जो आज भी हो रहा है जिनमें दूसरे श्रमिकों को नियोजित किया है (ई) प्रार्थी ने 1989 तक काम किया है और दो साल पूरा काम करने के बावजूद भी नियमितकरण नहीं किया और सेवा पृथक्करण कर दिया अतः दि. 27-9-89 और 9-10-1991 की सेवा मुक्ति को अवैध घोषित किया जाकर शून्य करार दिया जावे और सेवा में मय बैंक सेवेज के बहाल किया जाये एवं न्यायालय जो उचित समझे राहत भी दिलाने की प्रार्थना की है।

जवाब में अप्रार्थी ने कथन किया है कि प्रार्थी को कोई नियुक्ति पत्र नहीं दिया और न ही सेवामुक्ति का आदेश दिया बल्कि प्रार्थी को आकस्मिक प्रकृति के कार्य पर दैनिक वेतन भोगी के रूप में दि. 1-1-87 से रखा और 11-3-89 से 13-3-89 तक कार्य उपलब्ध नहीं होने के कारण प्रार्थी को सूचित करते हुए 14-3-89 को आने को कहा किंतु प्रार्थी के नहीं आने पर उनका व्यवहार उचित नहीं होने पर भी उसने काम पर आने को कहा जिस पर वह दि. 12-4-91 को आया और उसे कार्य का अवसर दिया। आगे प्रार्थी के कथनों का खंडन करते हुए स्वयं को उद्योग की श्रेणी में नहीं आना बताते हुए इसे कानूनी प्रश्न होने के कारण उत्तर की आवश्यकता नहीं होना अंकित किया है। अंत में प्रार्थी का क्लेम विशेष व्यय के साथ खारिज करने की प्रार्थना की है।

प्रार्थी पक्ष ने अपनी मौखिक साक्ष्य में स्वयं प्रार्थी रामनिवास का शपथ पत्र प्रस्तुत कर प्रतिपरीक्षण करवाया। प्रलेखीय साक्ष्य में प्रदर्श डब.1, 2 दस्तावेजों की प्रतियां प्रदर्शित करवाकर प्रस्तुत की है। अप्रार्थी पक्ष की ओर से गुरमीत छाबड़ा का शपथ पत्र प्रस्तुत कर प्रतिपरीक्षण करवाया है। प्रलेखीय साक्ष्य में प्रदर्श एम-1 लगायत 21 दस्तावेजों की प्रतियां प्रदर्शित करवाकर प्रस्तुत की है।

मैंने उभयपक्ष की बहस अंतिम सुनी, पत्रावली का गंभीरतापूर्वक अवलोकन किया। विद्वान प्रतिनिधि प्राथी ने 25 एफ के वायलेशन के संबंध में बहस नहीं की है। उनका कथन रहा है कि मैं भारा 25एफ के संबंध में कोई बहस नहीं करना चाहता। रूपचंद और प्यारेलाल को प्राथी के स्थान पर काम पर रखा गया है जो कि उससे जूनियर है जबकि 6-5-88 के समझौते के अनुसार प्राथी से जूनियर को काम पर नहीं रखा जा सकता था। बिना किसी कारण के प्राथी को दि. 19-10-91 से सेवा से पृथक् कर दिया। प्राथी को पुनः काम पर आने के लिए कोई अवसर प्रदान नहीं किया। अप्राथी संस्थान ने जो दस्तावेज न्यायालय में प्रस्तुत किये हैं वो, विश्वसनीय दस्तावेज नहीं हैं और न ही किसी गवाह को न्यायालय में परीक्षित कराया है। प्राथी के विरुद्ध वायलड होकर कार्यवाही की गयी है और इसलिए उसे सेवा से पृथक् किया है। अतः प्राथी की सेवामुक्ति को अवैध घोषित करते हुए पुनः बहालमय लाभ परिणामों के करने की प्रार्थना की है।

विद्वान प्रतिनिधि अप्राथी का तर्क है कि प्राथी ने अपने अभिवचनों में तथा शपथ पत्र में भी भारा 25एफ के वायलेशन का आरोप लगाया है और 240 दिन काम करना बताया है। प्राथी का व्यवहार संतोषजनक नहीं रहा है और इसके इस व्यवहार के होते हुए भी प्राथी को बार-बार काम पर आने के लिए सूचना दी गयी लेकिन बावजूद सूचना के प्राथी काम पर नहीं आया है। अब वह कि फुल एक्सेट रहा है और स्वयं ही काम पर आना बंद किया है। प्राथी के स्थान पर किसी जूनियर व्यक्ति को काम पर नहीं रखा गया है रूपचंद और प्यारेलाल तो पहले से ही काम पर थे। प्राथी को काम पर आने के लिए अप्राथी विभाग द्वारा पर्याप्त अवसर प्रदान किया है, उसके बावजूद भी वह काम पर नहीं आया है, इसलिए प्राथी के क्लेम को खारिज करने का निवेदन किया है।

हमने उभयपक्ष के तर्क सुने, पत्रावली का गंभीरतापूर्वक अवलोकन किया। प्राथी की सेवामुक्ति दि. 19-10-91 बतायी गयी है और प्राथी ने अपने प्रतिपरीक्षण में स्वीकार किया है कि मैंने विपक्षी के यहाँ वर्ष 1991 में 97 दिन काम किया है, यह बात सही है। विद्वान प्रतिनिधि प्राथी ने दौरान बहस 25एफ के संबंध में कोई तर्क नहीं दिये हैं। इससे यह पाया जाता है कि प्राथी प्रतिनिधि ने अपनी सेवामुक्ति दिनांक पूर्व के बारह महीनों में 240 दिन काम किया है।

प्राथी ने अपने अभिवचन व शपथ पत्र में प्यारेलाल और रूपचंद को उसी काम पर जिस काम को प्राथी करता था पर नियोजित करना बताया है लेकिन प्राथी ने अपनी साक्ष्य या अभिवचनों में कहीं पर भी यह कथन नहीं किया है कि रूपचंद और प्यारेलाल का संपूर्ण पता क्या है और उनकी नियुक्ति दिनांक क्या है, जिससे यह सिद्ध होता है कि वो दोनों श्रमिक प्राथी से जूनियर व्यक्ति रहे हैं। इसके विपरीत अप्राथी गवाह गुरमीतसिंह ने प्यारेलाल और रूपचंद के संबंध में क्रमशः प्रदर्श एम-17, 18 प्रस्तुत किये हैं जिसमें प्यारेलाल को अगस्त 1985 तथा रूपचंद को फरवरी 87 से काम करना बताया है। इस पर विद्वान प्रतिनिधि प्राथी का यह तर्क रहा है कि प्यारेलाल और रूपचंद का वर्ष 1991 का रिकार्ड प्रस्तुत नहीं हुआ है इसलिए विपरीत अवधारणा लो जानी चाहिए। हमारी किन्न राय में इन दोनों श्रमिकों का रिकार्ड प्रदर्श एम-17, 18 से यह स्पष्ट हो जाता है कि

दोनों ही श्रमिकों ने प्राथी के कार्यकाल वर्ष 1991 के पहले काम किया है। पत्रावली में ऐसी कोई साक्ष्य नहीं है और न ही प्राथी ने बताया है कि इन दोनों श्रमिकों को जूनियर के रूप में नियोजित अप्राथी ने किया हो। प्राथी श्रमिक ने अपने प्रतिपरीक्षण में अप्राथी संस्थान के द्वारा काम पर आने बाबत सूचना व नोटिसेज देना व काम पर नहीं आने बाबत नोटिसेज का भित्ति भी स्वीकार किया है। प्राथी के कार्य-व्यवहार के संबंध में अप्राथी संस्थान द्वारा अपने ठप्पाधिकारियों को समय-समय पर सूचना दी है। प्राथी श्रमिक ने हजारों और कन्हैयालाल दोनों व्यक्तियों का अपनी जिरह में काम करना बताया है और कन्हैयालाल के अंदर में भी काम करना स्वीकार किया है। जे.टी.ओ. नसोराबाद में अरिसे पत्र प्रदर्श एम-4 प्राथी श्रमिक की शिकायत एस.डी. ओ. को की है। इसके संबंध में प्राथी ने अपनी जिरह में स्वीकार किया है कि यह शिकायत जे.टी.ओ. ने लिखवायी थी। प्रदर्श एम-5, 6 कन्हैया और हजारों के शिकायती पत्र हैं जो जे. टी.ओ. को दिये गये हैं जिनके आधार पर जे.टी.ओ. ने शिकायती पत्र प्रदर्श एम-4 उपमंडल अधिकारी तार, अजमेर को प्रेरित किये हैं। इसके लिए स्पष्ट रूप से प्राथी ने अपने बयान में खंडन नहीं किया है। आगे प्राथी ने अपनी जिरह में कथन किया है कि प्रदर्श एम-7 में ए से बी पता मेरा सही लिखा हुआ है। भंवरी देवी मेरी पत्नी है। यह सही है कि तारीख 14-3-89 से काम पर नहीं गया तो मुझे विपक्षी ने सूचना पत्र प्रदर्श एम-7 भेजा था जो मुझे मिल गया है। जिसमें स्पष्ट रूप से प्राथी को लिखा गया है कि आप अपनी इच्छा से काम पर नहीं आ रहे हैं। प्राथी ने आगे जिरह में यह स्वीकार किया है कि मुझे एम-12 नोटिस विपक्षी ने 3-4-91 को भेजा था। प्राथी ने तत्पश्चात् प्रजापत को जानना स्वीकार किया है और शिकायती पत्र एम-14 के बारे में प्राथी का कथन रहा है कि यह जे.टी.ओ. ने लिखवायी थी इसका भी स्पष्ट रूप से खंडन प्राथी ने नहीं किया है, उसने यह स्वीकार किया है कि प्रदर्श एम-15 मुझे नोटिस दिया गया था। प्रदर्श ए-19 नोटिस भी प्राप्त करना स्वीकार करता है और प्रदर्श एम-19, 20 नोटिस भी प्राप्त करना स्वीकार कर रहा है। अप्राथी संस्थान ने अपने जवाब में भी प्राथी श्रमिक को दिये गये नोटिस एवं पत्रों के लिए लिखा गया है लेकिन प्राथी श्रमिक ने इन पत्रों के बाबत किसी को कोई प्रत्युत्तर या प्रतिकूल जवाब पेश नहीं किया है। प्राथी ने अपने प्रतिपरीक्षण में स्पष्ट रूप से स्वीकार किया है कि मेरे से जूनियर प्यारेलाल व रूपचंद जो काम कर रहे थे उनकी नियुक्ति स्थिति का मुझे पता नहीं है। अप्राथी गवाह ने अपने बयानों में स्पष्ट रूप से कथन किया है कि प्राथी श्रमिक को काम पर बुलाने के लिए उसके कार्य-व्यवहार के अच्छे नहीं होने के बावजूद भी काम पर आने के लिए समय-समय पर नोटिस दिये हैं प्राथी स्वयं जान-बूझकर कार्य से अनुपस्थित रहा है। अप्राथी द्वारा प्रस्तुत इन दस्तावेजों के संबंध में विद्वान प्रतिनिधि प्राथी का तर्क रहा है कि यह विश्वसनीय नहीं है, उससे हम सहमत नहीं हैं क्योंकि ऐसी कोई साक्ष्य पत्रावली में नहीं आयी है और स्वयं प्राथी श्रमिक ने भी यह स्वीकार किया है कि अप्राथी के द्वारा भेजे गये नोटिस उसे प्राप्त हो गये हैं तो ऐसी सूत में अविश्वसनीय करार दिया जाना उचित नहीं होता है और न ही इन दस्तावेजों के संबंध में यह पाया जाता है कि ये फेकटेड दस्तावेज हो बल्कि विद्वान प्रतिनिधि का तर्क इतना ही रहा है कि क्रमांक, दिनांक और पूर्व में

प्रेषित पत्रों का हवाला परचात्वर्ती पत्रों में नहीं दिया है। हमारी विनम्र राय में पूर्व प्रेषित पत्रों का हवाला परचात्वर्ती पत्रों में दिया जाना आवश्यक नहीं है और जिन दिनों को विपक्षी ने नोटिस या पत्र प्रेषित किये हैं उनमें स्पष्ट रूप से तारीखों का हवाला दिया हुआ है। अतः उपर्युक्त साक्ष्य के इस विवेचन के आधार पर हम यह पाते हैं कि प्रार्थी श्रमिक का आचरण एवं कार्य-व्यवहार सही नहीं था उसके बावजूद भी अप्रार्थी संस्थान ने उसको काम पर आने के लिए बार-बार लिखित सूचना दी है और बावजूद सूचना के प्रार्थी श्रमिक ने अप्रार्थी संस्थान में काम पर उपस्थित नहीं हुआ है, इससे स्पष्ट हो जाता है कि प्रार्थी स्वयं ही काम करने का इच्छुक नहीं था। अतः प्रार्थी द्वारा अपना मामला सिद्ध कर पाने में असफल रहने के कारण कोई राहत पाने का अधिकारी नहीं पाया जाता है।

#### आदेश

फलतः प्रस्तुत विवाद का उत्तर इस प्रकार से दिया जाता है कि नियोजक, पी. एंड टी जरिये एस. डी. ओ. (टी) अजमेर द्वारा प्रार्थी रामनिवास पुत्र गोवंधन की सेवायें समाप्त किया जाना उचित एवं वैध है, अतः श्रमिक कोई राहत पाने का अधिकारी नहीं है।

आर. एस. मीणा, न्यायाधीश

नई दिल्ली, 13 मार्च, 2008

क्र.आ. 777.—औद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 17 के अनुसरण में, केन्द्रीय सरकार साऊदर्न रेलवे के प्रबंधन के संबद्ध नियोजकों और उनके कर्मचारों के बीच, अनुबंध में निर्दिष्ट औद्योगिक विवाद में केन्द्रीय सरकार औद्योगिक अधिकरण, इरनाकुलम के पंचाट (संदर्भ संख्या 317/2006) को प्रकाशित करती है, जो केन्द्रीय सरकार को 13-03-2008 को प्राप्त हुआ था।

[सं. एल-41012/57/2000-आई आर.(बी-1)]

अजय कुमार, डेस्क अधिकारी

New Delhi, the 13th March, 2008

S.O. 777.—In pursuance of Section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the Award (Ref. No. 317/2006) of the Central Government Industrial Tribunal-cum-Labour Court, Ernakulam as shown in the Annexure in Industrial Dispute between the management of Southern Railways, and their workmen, received by the Central Government on 13-3-2008

[No. L-41012/57/2000-IR (B-1)]

AJAY KUMAR, Desk Officer

#### ANNEXURE

#### IN THE CENTRAL GOVERNMENT INDUSTRIAL TRIBUNAL-CUM-LABOUR COURT, ERNAKULAM

Present: Shri P. L. NORBERT, B.A., LL.B., Presiding Officer (Wednesday the 20th day of February 2008/ 1st Phalgun 1929)

I.D. 317 OF 2006

(I.D. 21/2000 of Labour Court, Ernakulam)

Workman : Smt. P.K. Kalliyani,  
C/o. General Secretary,  
Southern Railway Casual  
Labour Union, Edappally North,  
Kochi-682 024.  
By Adv. Sri. C. Anil Kumar.

Management : The Sr. Divisional Personnel Officer,  
Southern Railway, Palakkad.  
By Adv. M.C. Cherian

This case coming up for hearing on 20-2-2008, this Tribunal-cum-Labour Court on the same day passed the following :

#### AWARD

This is a reference under Section 10 (1) (d) of the Industrial Disputes Act. The reference is :—

“Whether the action of the management of Sr. DPO, Southern Railway, Palghat in denying the benefit of service and other connected relief to Smt. P.K. Kalliyani, Gangwoman, O/o the Section Engineer, Koilandi Section on her reinstatement with backwages is just and reasonable? If not to what relief the workman is entitled?

2. This reference was made originally to State Labour Court, Ernakulam. Later it was transferred to this court as per the order of Hon'ble High Court.

3. Both parties entered appearance and filed their pleadings. When the matter came up for evidence, the claim was not pressed. Since the worker does not wish to proceed with the dispute the action of the management is only to be confirmed.

In the result, an award is passed finding that the action of the management, Sr. DPO, Southern Railway, Palghat in denying the benefit of service and other connected relief to Smt. P.K. Kalliyani, Gangwoman, O/o the Section Engineer, Koilandi Section on her reinstatement with backwages is legal and proper and the worker is not entitled for any relief.

Dictated to the Personal Assistant, transcribed and typed by her, corrected and passed by me on this the 20th day of February, 2008.

P. L. NORBERT, Presiding Officer

Appendix: Nil.

नई दिल्ली, 13 मार्च, 2008

क्र.आ. 778.—औद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 17 के अनुसरण में, केन्द्रीय सरकार साऊदर्न रेलवे के प्रबंधन के संबद्ध नियोजकों और उनके कर्मचारों के बीच, अनुबंध में निर्दिष्ट औद्योगिक विवाद में केन्द्रीय सरकार औद्योगिक अधिकरण, इरनाकुलम के पंचाट (संदर्भ संख्या 319/2006) को प्रकाशित करती है, जो केन्द्रीय सरकार को 13-3-2008 को प्राप्त हुआ था।

[सं. एल-41012/61/2000-आई आर.(बी-1)]

अजय कुमार, डेस्क अधिकारी

New Delhi, the 13th March, 2008

**S.O. 778.**— In pursuance of Section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the Award (Ref. No. 319/2006) of the Central Government Industrial Tribunal-cum-Labour Court, Ernakulam as shown in the Annexure in Industrial Dispute between the management of Southern Railways, and their workmen, which was received by the Central Government on 13-3-2008.

[No. L-41012/61/2000-IR (B-I)]

AJAY KUMAR, Desk Officer

#### ANNEXURE

#### IN THE CENTRAL GOVERNMENT INDUSTRIAL TRIBUNAL-CUM-LABOUR COURT, ERNAKULAM

**PRESENT:** Shri P.L. Norbert, B.A., LL.B., Presiding Officer (Wednesday the 20th day of February 2008/ 1st Phalguna 1929)

**I.D. 319 OF 2006**

(I.D. 23/2000 of Labour Court, Ernakulam)

**Workman:** Smt. K. Kalliyani,

C/o. General Secretary,

Southern Railway Casual Labour Union,

Edappally North, Kochi- 682024.

By Adv. Sri. C. Anil Kumar

**Management:** The Divisional Personnel Officer,

Southern Railway, Palakkad.

By Adv. Sri C. Anil Kumar

This case coming up for hearing on 20-2-2008, this Tribunal-cum-Labour Court on the same day passed the following:

#### AWARD

This is a reference under Section 10 (1) (d) of Industrial Disputes Act. The reference is :—

“Whether the action of the management of Sr. DPO, Southern Railway, Palghat in denying the benefit of service and other connected relief to Smt. K. Kalliyani, Gangwoman, O/o the Section Engineer, Koilandi Section on her reinstatement with backwages is just and reasonable? If not to what relief the workman is entitled?”

2. This reference was made originally to State Labour Court, Ernakulam. Later it was transferred to this court as per the order of Hon'ble High Court.

3. Both parties entered appearance and filed their pleadings. When the matter came up for evidence, the claim was not pressed. Since the worker does not wish to proceed with the dispute the action of the management is only to be confirmed.

In the result, an award is passed finding that the action of the management, Sr. DPO, Southern Railway, Palghat in denying the benefit of service and other connected relief to Smt. K. Kalliyani, Gangwoman, O/o the Section Engineer, Koilandi Section on her reinstatement with backwages is legal and proper and the worker is not entitled for any relief.

Dictated to the Personal Assistant, transcribed and typed by her, corrected and passed by me on this the 20th day of February, 2008.

P.L. NORBERT, Presiding Officer

Appendix : Nil

नई दिल्ली, 13 मार्च, 2008

**कर.अ. 779.**— औद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 17 के अनुसार में, केन्द्रीय सरकार सततदर्शन रेलवे के प्रबंधन के संबंध नियोजकों और उनके कर्मचारों के बीच, अनुबंध में निर्दिष्ट औद्योगिक विवाद में केन्द्रीय सरकार औद्योगिक अधिकरण, इरनाकुलम के पंचाट (संदर्भ संख्या 316/2006) को प्रकाशित करती है, जो केन्द्रीय सरकार को 13-3-2008 को प्राप्त हुआ था।

[सं. एल-41012/56/2000—आई. आर. (बी-1)]

अजय कुमार, डेस्क अधिकारी

New Delhi, the 13th March, 2008

**S.O. 779.**— In pursuance of Section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the Award (Ref. No. 316/2006) of the Central Government Industrial Tribunal-cum-Labour Court, Ernakulam as shown in the Annexure in Industrial Dispute between the management of Southern Railways, and their workmen, received by the Central Government on 13-3-2008

[No. L-41012/56/2000-IR (B-I)]

AJAY KUMAR, Desk Officer

#### ANNEXURE

#### IN THE CENTRAL GOVERNMENT INDUSTRIAL TRIBUNAL-CUM-LABOUR COURT, ERNAKULAM

**PRESENT:** Shri P.L. Norbert, B.A., LL.B., Presiding Officer (Wednesday the 20th day of February 2008/ 1st Phalguna 1929)

**I.D. 316 OF 2006**

(I.D. 20/2000 of Labour Court, Ernakulam)

**Workman:** Smt. Vijayammal

C/o. General Secretary,

Southern Railway Casual Labour Union,

Edappally North, Kochi- 682024.

By Adv. Sri C. Anil Kumar,

**Management:** The Sr. Divisional Personnel Officer,

Southern Railway, Palakkad.

By Adv. M.C. Cherian

This case coming up for hearing on 20-02-2008, this Tribunal-cum-Labour Court on the same day passed the following:

### AWARD

This is a reference under Section 10 (1) (d) of Industrial Disputes Act. The reference is :—

"Whether the action of the management of Sr. DPO, Southern Railway, Palghat in denying the benefit of service and other connected relief to Smt. P.K. Vijayanand Gangwoman, O/o the Section Engineer, Koilandi Section on her reinstatement with backwages is just and reasonable? If not to what relief the workman is entitled

2. This reference was made originally to State Labour Court, Ernakulam. Later it was transferred to this court as per the order of Hon'ble High Court.

3. Both parties entered appearance and filed their pleadings. When the matter came up for evidence, the claim was not pressed. Since the worker does not wish to proceed with the dispute the action of the management is only to be confirmed.

In the result, an award is passed finding that the action of the management, Sr. DPO, Southern Railway, Palghat in denying the benefit of service and other connected relief to Smt. P.K. Vijayanand, Gangwoman, O/o the Section Engineer, Koilandi Section on her reinstatement with backwages is legal and proper and the worker is not entitled for any relief.

Dictated to the Personal Assistant, transcribed and typed by her, corrected and passed by me on this the 20th day of February, 2008.

P.L. NORBERT, Presiding Officer

Appendix Nil.

नई दिल्ली, 13 मार्च, 2008

का.आ 780.—औद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 17 के अनुसरा में, केन्द्रीय सरकार साकदर्न रेलवे के प्रबंधन के संबंध निर्योजकों और उनके कर्मचारों के बीच, अनुबंध में निर्दिष्ट औद्योगिक विवाद में केन्द्रीय सरकार औद्योगिक अधिकरण, इरनाकुलम के पंचद (संदर्भ संख्या 318/2006) को प्रकाशित करती है, जो केन्द्रीय सरकार को 13-03-2008 को प्राप्त हुआ था।

[सं. एल-41012/60/2000-आई. आर. (बी-1)]

अजय कुमार, डेस्क अधिकारी

New Delhi, the 13th March, 2008

S.O. 780.— In pursuance of Section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the Award (Ref. No. 318/2006) of the Central Government Industrial Tribunal-cum-Labour Court, Ernakulam as shown in the Annexure in Industrial Dispute between the employers in relation to the

management of Southern Railways, and their workmen, which was received by the Central Government on 13-03-2008.

[No. L-41012/60/2000-IR (B-1)]

AJAY KUMAR, Desk Officer

### ANNEXURE

BEFORE CENTRAL GOVERNMENT INDUSTRIAL TRIBUNAL CUM-LABOUR COURT, ERNAKULAM

Present: Shri P.L. Norbert, B.A., LL.B., Presiding Officer (Wednesday the 20th day of February 2008/ 1st Phalguna 1929)

I. D. 318 OF 2006

(I.D. 23/2000 of Labour Court, Ernakulam)

Workman : Smt. P. Kasu,

C/o. General Secretary,

Southern Railway Casual Labour Union,

Edappally North, Kochi- 682024.

By Adv. Sri C. Anil Kumar.

Management: The Sr. Divisional Personnel Officer,

Southern Railway, Palakkad.

By Adv. M.C. Cherian

This case coming up for hearing on 20-02-2008, this Tribunal-cum-Labour Court on the same day passed the following

### AWARD

This is a reference under Section 10 (1) (d) of Industrial Disputes Act. The reference is :—

"Whether the action of the management of Sr. DPO, Southern Railway, Palghat in denying the benefit of service and other connected relief to Smt. P. Kasu Gangwoman, O/o the Section Engineer, Shonur Section on her reinstatement with backwages is just and reasonable? If not to what relief the workman is entitled?

2. This reference was made originally to State Labour Court, Ernakulam. Later it was transferred to this court as per the order of Hon'ble High Court.

3. Both parties entered appearance and filed their pleadings. When the matter came up for evidence, the claim was not pressed. Since the worker does not wish to proceed with the dispute the action of the management is only to be confirmed.

In the result, an award is passed finding that the action of the management, Sr. DPO, Southern Railway, Palghat in denying the benefit of service and other connected relief to Smt. P. Kasu, Gangwoman, O/o the Section Engineer, Shonur Section on her reinstatement with backwages is legal and proper and the worker is not entitled for any relief.

Dictated to the Personal Assistant, transcribed and typed by her, corrected and passed by me on this the 20th day of February, 2008.

P. L. NORBERT, Presiding Officer

Appendix Nil

नई दिल्ली, 13 मार्च, 2008

क्र.आ 781.—औद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 17 के अनुसरण में, केन्द्रीय सरकार सऊदैन रेलवे के प्रबंधन के संबद्ध नियोजकों और उनके कर्मचारों के बीच, अनुबंध में निर्दिष्ट औद्योगिक विवाद में केन्द्रीय सरकार औद्योगिक अधिकरण, इरनाकुलम के पंचाट (संदर्भ संख्या 320/2006) को प्रकाशित करती है, जो केन्द्रीय सरकार को 13-03-2008 को प्राप्त हुआ था।

[सं. एल-41012/94/2000-आई. आर. (बी-1)]

अजय कुमार, डेस्क अधिकारी

New Delhi, the 13th March, 2008

S.O. 781.— In pursuance of Section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the Award (Ref. No. 320/2006) of the Central Government Industrial Tribunal-cum-Labour Court, Ernakulam as shown in the Annexure in the Industrial Dispute between the management of Southern Railways, and their workmen, received by the Central Government on 13-03-2008.

[No. L-41012/94/2000-IR(B-I)]

AJAY KUMAR, Desk Officer

ANNEXURE

BEFORE THE CENTRAL GOVERNMENT  
INDUSTRIAL TRIBUNAL-CUM-LABOUR COURT,  
ERNAKULAM

Present: Shri P.L. Norbert, B.A., LL.B., Presiding Officer  
(Wednesday the 20th day of February 2008/ 1st Phalgun 1929)

I. D. 320 OF 2006

(I.D. 24/2000 of Labour Court, Ernakulam)

Workman : Smt. P.K. Kaliyani,

C/o. General Secretary,

Southern Railway Casual Labour Union,

Edappally North, Kochi-682024.

Management : The Sr. Divisional Personnel Officer,

Southern Railway, Palakkad.

By Adv. M.C. Cherian

This case coming up for hearing on 20-02-2008, this Tribunal-cum-Labour Court on the same day passed the following :

AWARD

This is a reference under Section 10 (1) (d) of Industrial Disputes Act. The reference is :—

“Whether the action of the management of Sr. D.P.O., Southern Railway, Palghat in denying

the benefit of service and other connected relief to Smt. P. Rukmaniamma, Gangwoman, O/O the Section Engineer, Kannanore Section on her re-instatement with backwages is just and reasonable? If not to what relief the workman is entitled?

2. This reference was made originally to State Labour Court, Ernakulam, Later it was transferred to this court as per the order of Hon'ble High Court.

3. Both parties entered appearance and filed their pleadings. When the matter came up for evidence, the claim was not pressed. Since the worker does not wish to proceed with the dispute the action of the management is only to be confirmed.

In the result, an award is passed finding that the action of the management, Sr. D.P.O. Southern Railway, Palghat in denying the benefit of service and other connected relief to Smt. P. Rukmaniamma, Gangwoman, O/O the Section Engineer, Koilandi Section on her re-instatement with backwages is legal and proper and the worker is not entitled for any relief.

Dictated to the Personal Assistant, transcribed and typed by her, corrected and passed by me on this the 20th day of February, 2008.

P. L. NORBERT, Presiding Officer

Appendix Nil

नई दिल्ली, 13 मार्च, 2008

क्र.आ 782.—औद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 17 के अनुसरण में, केन्द्रीय सरकार नार्दन रेलवे के प्रबंधन के संबद्ध नियोजकों और उनके कर्मचारों के बीच, अनुबंध में निर्दिष्ट औद्योगिक विवाद में केन्द्रीय सरकार औद्योगिक अधिकरण, इरनाकुलम के पंचाट (संदर्भ संख्या 1303/2006) को प्रकाशित करती है, जो केन्द्रीय सरकार को 13-03-2008 को प्राप्त हुआ था।

[सं. एल-41012/36/2000-आई. आर. (बी-1)]

अजय कुमार, डेस्क अधिकारी

New Delhi, the 13th March, 2008

S.O. 782.— In pursuance of Section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the Award (Ref. No. 1303/2007) of the Central Government Industrial Tribunal-cum-Labour Court, II, Chandigarh as shown in the Annexure in Industrial Dispute between the management of Northern Railway, and their workmen, received by the Central Government on 13-03-2008

[No. L-41012/36/2000-IR(B-I)]

AJAY KUMAR, Desk Officer

ANNEXURE

BEFORE THE CENTRAL GOVERNMENT  
INDUSTRIAL TRIBUNAL-CUM-LABOUR COURT II,  
SECTOR 18-A, CHANDIGARH

PRESIDING OFFICER : SHRI KULDIP SINGH

Case I.D. NO 1303/2007

Registered on: 4-5-2007

Date of Decision: 4-3-2008

The President, All India Retired Railway Men's Federation, 205, Laxmi Garden Colony, Dhaki, Pathankote.

... Petitioner

Versus

The Divisional Railway Manager,

Northern Railway, Ferozpur

... Respondent

**APPEARANCE**

For the Workman : Nemo

For the Management : Nemo

**AWARD**

The Government of India, Ministry of Labour, vide their Order No: L-41012/36/2006-IR(B-1) dated 7th of Feb. 2007 referred the following matter for the consideration of this Tribunal:

"Whether the action of Divisional Railway Manager, Ferozpur not stepping up the pay of Shri Dev Raj Saini S/o Shri Mohan Lal Saini, retired Station Superintendent, Northern Railway, Sarna from his junior Shri Pritam Singh and consequently not fixing the pension accordingly and payment of consequential benefits to the incumbent accordingly was justified? If not, what relief the employee is entitled to and from which date?"

On the receipt of the reference notices were issued to the parties, but they did not appear. Fresh notice was given to the workman under register cover vide postal receipt No. 3442 dated 2nd of August, 2007. The notice so sent was neither received back nor the workman appeared on 6th September, 2007, the next date fixed in the case. The Tribunal still waited for the workman all this period, but he has not appeared nor anything has been heard from him. The presumption thus goes that the workman has received the notice but he has chosen not to appear and contest his claim. Since the Management has also not appeared after a notice, it may be that the parties have settled the matter amicably, therefore, they have not come to the Tribunal.

On record there is neither any claim nor counter claim which can be looked into by the Tribunal. In this the loser is the workman as he has failed to show as to how the Management has failed in their duty to settle the claim of the workman. There is no evidence to show that the Management failed in its duty in not stepping up the pay of Shri Dev Raj Saini S/o Shri Mohan Lal Saini, retired Station Supdt, Northern Railway, Sarna from his junior Shri Pritam Singh and consequently not fixing the pension according. Therefore, the workman is not entitled to any relief. The reference is answered against him and the award is passed. Let a copy of the award be sent to the appropriate Government for necessary action and the file be consigned to records.

KULDIP SINGH, Presiding Officer

नई दिल्ली, 13 मार्च, 2008

का.आ. 783.- जबकि मैसर्स दिल्ली इंटरनेशनल एयरपोर्ट प्रा. लि., नई दिल्ली, [(दिल्ली उत्तर) क्षेत्र में कोड संख्या डीएल/31336 के तहत] (एतदुपरान्त प्रतिष्ठान के रूप में संदर्भित) ने कर्मचारी भविष्य निधि और प्रकीर्ण उपबंध अधिनियम, 1952 (1952 का 19) (एतदुपरान्त अधिनियम के रूप में संदर्भित) की धारा 17 की उप-धारा (1) के खण्ड (क) के अंतर्गत छूट के लिए आवेदन दिया है।

2. और जबकि, केन्द्र सरकार के विचार में अंशदान दर के मामले में उक्त प्रतिष्ठान के भविष्य निधि के नियम उसके कर्मचारियों के लिए उक्त अधिनियम की धारा 6 में विनिर्दिष्ट की तुलना में कम हितकर नहीं है और कर्मचारी भी समान प्रकृति के किसी अन्य प्रतिष्ठान के कर्मचारियों के संबंध में उक्त अधिनियम या कर्मचारी भविष्य निधि योजना, 1952 (एतदुपरान्त उक्त प्रतिष्ठान के रूप में संदर्भित) के अंतर्गत अन्य भविष्य निधि लाभ भी प्राप्त कर रहे हैं।

3. केन्द्र सरकार एतद्वारा, अब उक्त अधिनियम की धारा 17 की उप-धारा (1) के खण्ड (क) द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए तथा इस संबंध में समय-समय पर विनिर्दिष्ट शर्तों को ध्यान में रखते हुए, उक्त प्रतिष्ठान को उक्त योजना के समस्त उपबंधों के प्रचालन से 01-05-2006 से अगली अधिसूचना तक के लिए छूट प्रदान करती है।

[सं. एस-35015/30/2007-एस. एस-II]

एस. डी. जेवियर, अवर सचिव

New Delhi, the 13th March, 2008

S.O. 783.—Whereas M/s Delhi International Airport Pvt. Ltd. New Delhi [under Code No.DL/31336 in Delhi (North) region] (hereinafter referred to as the establishment) has applied for exemption under clause (a) of sub-section of (1) of Section 17 of the Employees' Provident Funds and Miscellaneous Provision Act, 1952 (19 of 1952) (hereinafter referred to as the Act).

2. And whereas in the opinion of the Central Government, the rules of the provident fund of the said establishment with respect to the rates of contribution are not less favourable to employees therein than those specified in Section 6 of the said Act and the employees are also in enjoyment of other provident fund benefits provided under the said Act or under the Employees' Provident Funds Scheme, 1952 (hereinafter referred to as the Scheme) in relation to the employees in any other establishment of similar character.

3. Now, therefore, in exercise of the powers conferred by clause (a) of sub-section (1) of Section 17 of the said Act and subject to the conditions specified in this regard from time to time, the Central Government, hereby, exempts the said establishment from the operation of all the provisions of the said Scheme with effect from 01-05-2006, until further notification.

[No. S-35015/30/2007-SS-II]

S. D. XAVIER, Under Secy.



नई दिल्ली, 14 मार्च, 2008

क्र.आ. 784.—औद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 17 के अनुसरण में, केन्द्रीय सरकार त्रिवेन्द्रम एयरपोर्ट अथोरिटी ऑफ इंडिया के प्रबंधन के संबद्ध नियोक्ताओं और उनके कर्मचारों के बीच, अनुबंध में निर्दिष्ट औद्योगिक विवाद में केन्द्रीय सरकार औद्योगिक अधिकरण/ग्राम न्यायालय कोचीन के पंचाट (संदर्भ संख्या आई.डी.-135/2006) को प्रकाशित करती है, जो केन्द्रीय सरकार को 14-03-2008 को प्राप्त हुआ था।

[सं. एल-11012/5/2003-आई. आर. (एम.)]

एन. एस. बोरा, डेस्क अधिकारी

New Delhi, the 14th March, 2008

S.O. 784.—In pursuance of Section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the Award (Ref. No. I. D. 135/2006) of the Central Government Industrial Tribunal-cum-Labour Court, Cochin now as shown in the Annexure in Industrial Dispute between the employers in relation to the management of Trivandrum Airport Authority of India and their workmen, which was received by the Central Government on 14-03-2008

[No. L-11012/5/2003-IR(M)]

N. S. BORA, Desk Officer

## ANNEXURE

BEFORE THE CENTRAL GOVERNMENT  
INDUSTRIAL TRIBUNAL CUM-LABOUR  
COURT, ERNAKULAM

Present: Shri P.L. Norbert, B.A., LL.B., Presiding Officer  
(Wednesday the 20th day of February 2008/ 6th Phalguna 1929)

## I. D. 135 OF 2006

(I. D. 43/2003 of Industrial Tribunal, Kollam)

Workman: Sri C. Sasidharan,  
Bhavani Mandiram,  
Thakidu Vila, Cherukunnam,  
Maithanam, Varkala P.O., Trivandrum.

By Adv. Sri. Anil Narayanan.

Management: The Airport Director,  
Trivandrum Airport Authority of India  
(NDA)  
Trivandrum International Airport,  
Trivandrum-8  
By Adv. V. Santharam

This case coming up for hearing on 25-02-2008, this Tribunal-cum-Labour Court on the same day passed the following:

## AWARD.

This is a reference under Section 10 (1) (d) of Industrial Disputes Act. The reference is:—

(A) Whether the contract into between the Electrical Contractors namely (1) Shri Rajagopal, M/s. Puliyadiyl Service Centre, Pulimood, Trivandrum (2) M/s. Sreeragam Electricals, Madras, (3) Shri S. Sajith, R.K. Electricals, Medical College P.O., Trivandrum and (4) M/s. Ajantha Electricals and PA Equipments, Puthenchanthai, Trivandrum and the management of Airport Authority of India (NDA), Trivandrum was genuine or a sham contract? (B) Whether the demand of Shri C. Sasidharan, Bhavani Mandiram, Thakidu Vila, Cherukunnam, Maithanam, Varkala P.O., Trivandrum District an electrical contract labour in the establishment of Airport Authority of India (NDA) who was engaged through the contractors namely: (1) Shri Rajagopal, M/s. Puliyadiyl Service Centre, Pulimood Trivandrum, (2) M/s. Sreeragam Electricals, Madras, (3) Shri S. Sajith, R.K. Electricals, Medical College P.O., Trivandrum and (4) M/s. Ajantha Electricals and PA Equipments, Puthenchanthai, Trivandrum is entitled to regularization by the management of Airport Authority of India (NDA), Trivandrum in their establishment is justified? If not, to what relief the concerned workman is entitled to?"

2. Both Parties entered appearance and filed their pleadings. When the matter came up for evidence, the counsel for the workman did not press the reference.

In the result, an award is passed finding that contract between the Electrical Contractors (1) M/s. Puliyadiyl Service Centre, Pulimood, Trivandrum (2) M/s. Sreeragam Electricals, Madras (3) Shri S. Sajith, R.K. Electricals, (4) M/s. Ajantha Electricals and P.A. Equipments is genuine and the demand of worker C. Sasidharan for regularisation in Air Port Authority of India, Thiruvananthapuram is not legal and justified and he is not entitled for any relief.

Dictated to the Personal Assistant, transcribed and typed by her, corrected and passed by me on this the 25th day of February, 2008.

P. L. NORBERT, Presiding Officer

Appendix

Nil.

नई दिल्ली, 14 मार्च, 2008

क्र.आ. 785.—औद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 17 के अनुसरण में, केन्द्रीय सरकार भारत मोर्टल माईन्स लिमिटेड के प्रबंधन के संबद्ध नियोक्ताओं और उनके कर्मचारों के बीच, अनुबंध में निर्दिष्ट औद्योगिक विवाद में केन्द्रीय सरकार औद्योगिक अधिकरण/ग्राम न्यायालय इंदौर के पंचाट (संदर्भ संख्या 08/1999) को प्रकाशित करती है, जो केन्द्रीय सरकार को 14-3-2008 को प्राप्त हुआ था।

[सं. एल-43012/4/1998-आईआर(एम.)]

एन. एस. बोरा, डेस्क अधिकारी

New Delhi, the 14th March, 2008

S.O. 785.— In pursuance of Section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the award (Ref. No. 08/1999) of the Central Government Industrial Tribunal/Labour Court, Udaipur now as shown in the Annexure, in the Industrial Dispute between the employers in relation to the management of Bharat Gold Mines Ltd. and their workman, which was received by the Central Government on 14-3-2008.

[No. L-43012/4/1998-IR(M)]

N. S. BORA, Desk Officer

अनुबंध

औद्योगिक विवाद अधिकरण एवं श्रम न्यायालय, उदयपुर (राज.)

पीठासीन अधिकारी — श्री बलदेवपुरी गोस्वामी,

आर. एच. जे. एस.

प्रकरण सं. 08/99 आई.टी.आर.

जावर माईन्स मजदूर संघ जरिये वरिष्ठ सचिव गंगासिंह रावत जावर माईन्स 313901, जिला उदयपुर ..... प्राथी

विरुद्ध

1. श्री प्रबन्धक, भारत गोल्ड माईन्स लि.

पोस्ट जावर माईन्स, जिला उदयपुर

2. श्री प्रबन्धक, हिन्दुस्तान जिंक लि.

पोस्ट जावर माईन्स, जिला उदयपुर .... विपक्षीगण

उपस्थित :-

प्राथी की ओर से : श्री बी.एस. देवपुत्र

विपक्षी सं. 2 की ओर से : श्री बी.एल. गुप्ता

घंटाट

दिनांक 29-2-2008

इस रेफरेन्स से संबंधित तथ्य संक्षेप में इस प्रकार है कि भारत सरकार के श्रम विभाग द्वारा रेफरेन्स अन्तर्गत धारा 10 औ. वि. अधिनियम के तहत इस न्यायाधिकरण को आदेश क्रमांक एल-43012/4/98/आई आर (एम) दिनांक 11-01-99 के द्वारा पक्षकारों के मध्य उत्पन्न निम्नलिखित विवाद को न्यायाधिकरण को निर्णयार्थ प्रेषित किया। मूल रेफरेन्स अंग्रेजी में इस प्रकार प्राप्त हुआ :-

Whether the demand of Zawar Mines Mazdoor Sangh regarding wage revision of workmen employed by Bharat Gold Mines Ltd. working at Hindustan Zink Ltd. Zawar Group of Mines, Distt. Udaipur at par with regular workmen whose wages have been revised vide Memorandum of Settlement dated 29-9-1995 is legal and justified? If not, to what relief the workmen of Bharat Gold Mines Ltd. are entitled to?

रेफरेन्स के अनुरूप इस रेफरेन्स में यह उत्तर देना है कि क्या जावर माईन्स मजदूर संघ की यह मांग की भारत गोल्ड माईन्स जो कि हिन्दुस्तान जिंक लि. में जावर माईन्स में कार्य कर रहे हैं, उसके द्वारा

नियोजित श्रमिकों के वेतन को हिन्दुस्तान जिंक लि. के समझौता दिनांक 29-9-95 के अनुरूप ही नियमित श्रमिकों के वेतन को संशोधित किये गये थे के अनुरूप दिया जाना उचित है? संशोधित वेतनमान दिया जाना क्या वैधानिक एवं न्यायोचित है। यदि नहीं तो श्रमिक जो कि भारत गोल्ड माईन्स लि. द्वारा नियोजित थे क्या अनुतोष पाने के अधिकारी हैं?

इस सम्बन्ध में प्राथी जावर माईन्स मजदूर संघ जरिये वरिष्ठ सचिव गंगासिंह रावत ने स्टेटमेन्ट ऑफ क्लेम पेश किया, जिसके अनुसार विपक्षी सं. 2 हिन्दुस्तान जिंक लि. भारत सरकार का उपक्रम है, जिसका बाद में (तत्पश्चात् निजीकरण हो गया) हिन्दुस्तान जिंक लि. की जावर माईन्स में एक जावर माईन्स के नाम से खदान है। उक्त खान में शाफ्ट सिलिंग हेतु विपक्षी संख्या 2 द्वारा एक ठेका विपक्षी संख्या एक को वर्ष 1979 में दिया गया था और उसके पश्चात् उक्त शाफ्ट सिलिंग के कार्य शुरू करने के अलावा खान उन्नत करने एवं अन्य कार्य के लिये विपक्षी सं. 1 को विपक्षी संख्या द्वारा दिये गये। विपक्षी संख्या एक द्वारा जो ठेका विपक्षी सं. 2 की खदान में दिया गया उस ठेके का कार्य करने हेतु विपक्षी संख्या एक द्वारा जनवरी, 1980 में श्रमिक नियोजित किये गये। नियोजित श्रमिकों को जो नियुक्ति पत्र विपक्षी संख्या एक द्वारा दिये गये, उन नियुक्ति पत्र में यह स्पष्ट शर्त थी कि विपक्षी संख्या एक अपने श्रमिकों को विपक्षी सं. 2 के नियमों के अनुसार वेतन, मंहगाई भत्ता व अन्य भत्ते देगा। श्रमिक जो भारत गोल्ड माईन्स द्वारा नियुक्त किये गये थे, कार्य वहीं पर कर रहे थे जो सभी प्राथी श्रमिक संघ के सदस्य हैं, जिनकी सूची स्टेटमेन्ट ऑफ क्लेम के साथ अनुसूची 1 के रूप में संलग्न की गई है। सभी श्रमिक विपक्षी संख्या 1 के द्वारा नियोजित थे, लेकिन उसके साथ-साथ उनके वेतन आदि मामले के लिये विपक्षी सं. 1 के साथ-साथ विपक्षी सं. 2 भी मुख्य नियोजक कानूनी रूप से बाध्य है। प्राथीगण के अनुसार प्राथी श्रमिक संघ एवं विपक्षी संख्या एक कम्पनी के मध्य निष्पादित द्विपक्षीय समझौते दिनांक 13-6-84 व दिनांक 11-1-90 जो क्रमशः 1-6-80 व 1-1-83 दिनांक 1-1-89 से प्रभावी हुए उनमें भी प्राथी श्रमिक संघ एवं विपक्षी संख्या 1 के मध्य यह समझौता हुआ था कि विपक्षी सं. 1 द्वारा नियोजित श्रमिकों को विपक्षी सं. 2 के यहां नियोजित नियमित श्रमिकों को देय वेतन व भत्ते दिये जावेंगे। उपरोक्त वर्णित समझौते के अनुसार विपक्षी संख्या 1 नियोजित श्रमिकों जो कि प्राथी श्रमिक संघ के सदस्य हैं और प्राथी संघ जिनका इस विवाद में प्रतिनिधित्व करता है व जिनके नाम इस स्टेटमेन्ट ऑफ क्लेम के साथ संलग्न अनुसूचि-1 में अंकित है, उन्हें विपक्षी सं. 2 के यहां नियोजित श्रमिकों के समान वेतन का भुगतान दिनांक 1-7-92 से नहीं किया गया, जबकि विपक्षी सं. 2 के यहां नियोजित श्रमिकों को कार्य व विपक्षी सं. 1 के यहां नियोजित श्रमिकों का कार्य एक समान था और वर्तमान में भी है। स्टेटमेन्ट ऑफ क्लेम के अनुसार प्राथी श्रमिक संघ भी विपक्षी संख्या एक के मध्य समझौता दिनांक 11-11-90 जो कि दिनांक 30-6-92 तक ही प्रभावी था उसकी अवधि समाप्त होने पर प्राथी श्रमिक संघ द्वारा विपक्षी सं. 1 से यह निवेदन किया कि वो आगामी वर्षों के लिये पुनः श्रमिक संघ के साथ श्रमिकों के वेतन में वृद्धि आदि मामलों पर समझौता कर ले किन्तु विपक्षी सं. 1 द्वारा समझौता नहीं किया गया और न उसके द्वारा नियोजित ठेका श्रमिकों के वेतन में द्वारा कोई बढ़ोतरी की गई। विपक्षी 1 द्वारा अपने नियोजित श्रमिकों को अन्तरिम राहत विपक्षी सं. 2 के नियमित श्रमिकों के अनुरूप देय हुई यह प्रदान की गई। प्राथीगण पत्र

के अनुसार विपक्षी सं. 2 प्रार्थी श्रमिक संघ के मध्य एक समझौता दिनांक 29-9-95 को निष्पादित हुआ, जिस समझौते के अन्तर्गत विपक्षी सं. 2 के यहाँ नियोजित श्रमिकों के वेतन में बढ़ोतरी करना निश्चित हुआ और यह बढ़ोतरी श्रमिकों को दिनांक 1-7-92 से देय रही गई। समझौता दिनांक 29-9-95 के अन्तर्गत विपक्षी सं. 2 के अधीन नियोजित श्रमिकों के वेतन में बढ़ोतरी दिनांक 1-7-92 से स्वीकार कर ली गई और बड़ी हुई दर पर श्रमिकों को वेतन मुगतान किये जाने लगा तब प्रार्थी श्रमिक संघ के द्वारा विपक्षी सं. 1 से यह निवेदन किया कि उसके श्रमिकों के नियुक्ति पत्र में जो यह शर्त थी कि उसके श्रमिकों को विपक्षी सं. 2 के यहाँ नियोजित श्रमिकों के वेतन के समतुल्य वेतन देय होगा तो उसी अनुसार दिनांक 1-7-92 से श्रमिकों के वेतन में बढ़ोतरी की जाकर उनके परिवारों का मुगतान किया जावे, किन्तु विपक्षी सं. एक ने उनके आग्रह को स्वीकार नहीं किया। और इस वेतन वृद्धि के समबन्ध में विवाद उत्पन्न हुआ जो प्रार्थी श्रमिक संघ द्वारा भारत सरकार के क्षेत्रीय श्रम आयुक्त (केंद्रीय) अजमेर को औ. वि. अधि. के अन्तर्गत उद्योग और उद्योग विवाद पर क्षेत्रीय श्रम आयुक्त अजमेर के द्वारा प्रार्थी श्रमिक संघ व विपक्षी सं. 1 के मध्य समझौता वार्ता ए आयोजित की गई, किन्तु विपक्षी सं. 1 द्वारा समझौता नहीं करने के कारण क्षेत्रीय श्रम आयुक्त अजमेर द्वारा असफल वार्ता प्रतिवेदन केंद्र सरकार को प्रेषित किया जिस पर उक्त विवाद केंद्र सरकार द्वारा अधिनिर्णयार्थ इस न्यायाधिकरण को अर्पित किया गया।

प्रार्थीगण ने स्टेटमेंट ऑफ क्लेम में यह निवेदन किया कि प्रार्थी श्रमिक संघ का यह प्रार्थना पत्र स्वीकार किया जावे और यह मांग उचित मानी जाए कि भारत गोल्ड माईन्स में कार्यरत श्रमिकों को वही वेतन दिया जावे जो हिन्दुस्तान जिंक लिमिटेड के श्रमिकों को दिनांक 29-9-95 के समझौते के द्वारा दिया गया है यह जुलाई 1992 से परिवार सहित दिलाया जावे और यह मांग न्यायोचित मानी जावे।

स्टेटमेंट ऑफ क्लेम में भारत गोल्ड माईन्स के साथ-साथ हिन्दुस्तान जिंक लिमिटेड को भी पक्षकार बनाया गया। भारत गोल्ड माईन्स की ओर से अभिभावक श्री बी.एल. असावा उपस्थित आये और एक प्रार्थना पत्र दिनांक 14-6-2000 को इस आशय का पेश किया कि क्लेम को पैरा सं. 3 में जिस अनुसूची-एक का उल्लेख किया गया है, लेकिन अनुसूची-1 की प्रति दावे की प्रति के साथ संलग्न कर हेतुक दर्शित करने के लिए सूचना जो न्यायाधिकरण द्वारा जारी की गई, विपक्षी संख्या एक को प्राप्त नहीं हुई है और न उक्त नोटिस में ही इसका उल्लेख है। उक्त अनुसूची की प्रति विपक्षी को प्रार्थी से दिलाई जाना आवश्यक है, ताकि अनुसूची का अध्ययन करके उसका समुचित जवाब अंकित कर सके। यह महत्वपूर्ण दस्तावेज है, इसलिये प्रार्थी श्रमिक संघ को यह आदेश दिया जावे कि क्लेम में वर्णित एवं संलग्न अनुसूचित की प्रति विपक्षी संख्या को तुरन्त दे, ताकि जखब दावा तैयार करके पेश किया जावे।

उसी दिन दिनांक 14-6-2000 को अनुसूची की प्रतिलिपि देने का आदेश दिया गया और संलग्न अनुसूची की नकल दिनांक 23-1-01 को दी गई और जवाब में पूर्व पीठासीन अधिकारी ने 16-4-01 को पेशी रखी, हालांकि वेनेजुएला को भी अपना जवाब स्वतः ही पेश करना होता है, लेकिन फिर भी अवसर दिया गया। जवाब हेतु पूर्व में भी अवसर चाहे गये थे और तत्पश्चात् श्री बी.एल. असावा अभिभावक ने दिनांक 5-7-01 को हिदायत पैरवी नहीं होना कहा। पूर्व पीठासीन

अधिकारी ने दिनांक 5-7-01 को कार्यवाही एक तरफ कर दी और विपक्षी सं. 2 की ओर से जवाब पेश हो गया।

विपक्षी सं. 2 हिन्दुस्तान जिंक लि. की ओर से जो जवाब पेश हुआ उस जवाब में यही कहा गया कि हिन्दुस्तान जिंक लि. को बतौर मुख्य नियोक्ता पक्षकार बनाया गया है, अनावश्यक रूप से बनाया गया है, क्योंकि मुख्य विवाद भारत गोल्ड माईन्स व उसके श्रमिकों के बीच में है। कोन्ट्रेक्ट लेबर (रेगुलेशन एण्ड एम्प्लोयर्स) एक्ट 1970 के अनुरूप किसी भी रूप में हिन्दुस्तान जिंक लि. पक्षकार नहीं हो सकता। इसलिये हिन्दुस्तान जिंक लि. को बतौर विपक्षी सं. 2 अनावश्यक पक्षकार बनाया गया है जो नम हटाया जावे। औ. वि. अधिनियम 1947 के अन्तर्गत दायर इस विवाद में मुख्य विषयवस्तु किस तरह से पक्षकार नहीं हो सकता। प्रार्थना पत्र के क्लेम संख्या 3 में वर्णित विपक्षी सं. 2 कभी भी पक्षकार नहीं था और न ही हो सकता था, इसलिये इन समझौते से विपक्षी सं. 2 का कोई सम्बन्ध नहीं होने से उत्तर की आवश्यकता ही नहीं है। वाद में विपक्षी सं. 2 किसी भी रूप में पक्षकार नहीं है और विपक्षी सं. 2 को प्रार्थी श्रमिक संघ की ओर से किसी भी प्रकार के परिवार मुगतान करने के लिये प्रारम्भिक रूप से उत्तरदायी नहीं है। इसलिए वाद में से विपक्षी सं. 2 का नाम हटाया जावे और खर्चा प्रार्थी श्रमिक संघ से अनावश्यक पक्षकार बनाये जाने से संबंधित दिलाया जावे।

प्रार्थी पक्ष की ओर से अपने क्लेम के समर्थन में गंगासिंह रावत श्रमिक संघ के प्रतिनिधि पेश हुए हैं। हिन्दुस्तान जिंक लि. की ओर से श्री नरेश कुमार पुरोहित अधिकारी पेश हुए हैं।

बहस अंतिम सुनी गई। पत्रावली का अवलोकन किया गया।

विद्वान अभिभावक प्रार्थी का तर्क है कि प्रार्थी यूनिन जावर माईन्स वर्कमैन फेडरेशन के श्रमिकों को सर्वप्रथम टेकेंदार कम्पनी भारत गोल्ड माईन्स ने नियुक्ति पत्र दिया था। नियुक्ति पत्र प्रदर्श सी-2, सी-5, सी-6, सी-7, सी-8 में साफ तौर पर यह शर्त लिखी हुई थी कि हिन्दुस्तान जिंक लि. के नियमानुसार ही वेतन का मुगतान किया गया था। कर्मचारीगण को यह नियुक्ति पत्र आरक्षीदास, सुरेन्द्रकुमार, शंकरलाल, देवीलाल और रामलाल को वर्ष 1984 से 1986 तक जारी हुए थे। इनमें साफ तौर पर ये लिखा है कि वेतन हिन्दुस्तान जिंक लि. के नियमानुसार दिया जायेगा और यह भी लिखा है कि मेडिकल सुविधाएं हिन्दुस्तान जिंक लि. के अस्पताल में मुफ्त दी जायेगी और इसका उल्लेख बाद के एग्जीमेन्ट में भी इस बात का है। फिर इसके पश्चात् एक मीटिंग दिनांक 13-6-84 को हुई थी जिसमें सीधा ही इन नियुक्ति पत्र के अनुरूप जो हिन्दुस्तान जिंक लि. ने वेतन एवं भत्ते दिये थे, मिनीट्स में स्वीकार कर लिये गये थे, ये प्रथम नहीं बल्कि एक अनुबन्ध का स्थायीकरण और शरारत अभिव्यक्ति के रूप में देखा जा सकता है। इसके पश्चात् प्रदर्श सी-14 अनुबन्ध सेटलमेन्ट द्विपक्षीय हुआ है। इसमें भी इन सभी तथ्यों का उल्लेख है जो अनुबन्ध संख्या 5 के अन्तर्गत धारा 12(3) औ. वि. अधिनियम के तहत हिन्दुस्तान जिंक एवं जावर माईन्स वर्कमैन फेडरेशन के बीच हुआ, उसी अनुरूप बी.डी.ए. एवं अन्य शर्तें दी गई। हिन्दुस्तान जिंक अस्पताल में मुफ्त सुविधाएं दिये जाने का उल्लेख भी किया है। विद्वान अभिभावक प्रार्थी का कथन है कि वर्ष 1989 तक अनुबन्ध टेकेंदार और श्रमिकों के बीच वेतन एवं भत्ते को देने का हिन्दुस्तान जिंक लि. के अनुरूप चलता रहा, लेकिन बाद में इससे भारत गोल्ड माईन्स सुकर गई और प्रदर्श सी-15 सेटलमेन्ट श्रम विभाग के अधिकारियों की उपस्थिति में दिनांक 29-5-95 को हिन्दुस्तान जिंक लि. और जावर माईन्स वर्कमैन फेडरेशन के बीच हुआ उसकी पहली

दीर्घकालीन समझौता नया नहीं कर भारत गोल्ड मॉईन्स ने नहीं की और यह कहा कि हिन्दुस्तान जिक लि. मुख्य नियोजक मूल्यवृद्धि के अनुरूप मांगवाई मत्ता दिये जाने और बढोतरी के क्लोज जो कि हिन्दुस्तान जिक लि. एवं भारत गोल्ड मॉईन्स के मध्य हुआ है और मुकर गई इस पर जार्ज करके शीघ्र निर्णय किया जायेगा, लेकिन ऐसा कोई निर्णय नहीं लिया। कर्मचारी अपने पूर्व अधिकारों से वंचित हो गये, जबकि दीर्घकालीन समझौता संख्या 6 के अनुसार ही वेतन एवं भत्ते प्राप्त करने के प्राधिकरण को अधिकार हासिल हो गया है। सेवा नियमों में भी सविदा अधिनियम के प्रावधान लागू होते हैं और जब उद्योग जगत में प्रबंधन और श्रमिकों के बीच समझौता हुआ है तो उससे प्रबंधन बाध्य है और जो ठेकेदार कार्य कर रहा है उसमें से भारत गोल्ड मॉईन्स मुकर गई है, लेकिन अरावली कन्सल्टेशन कम्पनी ने नया सेटलमेन्ट प्रदर्श-20 कर लिया इसमें हिन्दुस्तान जिक लि. में कार्यरत श्रमिकों के अनुरूप ही वेतन एवं भत्ते दिये गये थे, इसलिये अनुबन्ध की पूर्व शर्तों से जावर मॉईन्स के अनुरूप वेतन नहीं देकर भारत गोल्ड मॉईन्स मुकर गई है। ये श्रमिक भारत गोल्ड मॉईन्स के हिन्दुस्तान जिक लि. के कार्यरत श्रमिकों के बराबर ही वेतन एवं भत्ते प्राप्त करने के हकदार हैं, यह मांग जायज है कोई नये वेतनमान की मांग प्रार्थी श्रमिक नहीं कर रहे हैं और जो अस्तित्व में है और स्वीकृतशुद्ध है, उसकी मांग कर रहे हैं और यह मांग हर सूरत में जायज है इसलिये रेफरेन्स का उत्तर प्रार्थी श्रमिक संघ के पक्ष में दिया जाये।

भारत गोल्ड मॉईन्स के प्रतिनिधि ने कुछ दिन उपस्थिति दी और बीच में फिर उपस्थिति दी, लेकिन प्रार्थना पत्र का कोई जवाब पेश नहीं किया और न ही कोई साक्ष्य इसके खण्डन में पेश की है।

हिन्दुस्तान जिक लि. के अभिभाषक का तर्क है कि अनावश्यक पक्षकार हिन्दुस्तान जिक लि. को बनाया गया है। हिन्दुस्तान जिक लि. मुख्य नियोक्ता नहीं है और जो समझौता हुआ उनसे हिन्दुस्तान जिक लि. का कोई सम्बन्ध नहीं है। हिन्दुस्तान जिक लि. का वेतन एवं भत्ते देने का कोई दायित्व नहीं है, क्योंकि कोई भी पक्षकार किसी भी समझौते के लिए प्रतिबद्ध नहीं है। हिन्दुस्तान जिक लि. अनावश्यक पक्षकार है, कोई सरोकार प्रार्थी संघ का भारत गोल्ड मॉईन्स से वेतन एवं भत्ते देने के हिन्दुस्तान जिक लि. के अनुरूप मांगने से विपक्षी संख्या 2 का नहीं है।

विद्वान अभिभाषक प्रार्थी संघ का तर्क है कि औद्योगिक विवाद अधिनियम की धारा 7(ए) के तहत द्वितीय अनुसूची भी न्यायाधिकरण के द्वारा किये जाने वाले कार्य के अनुसूचित के अनुरूप यह रेफरेन्स किया गया है और द्वितीय अनुसूची के भाग "बी" का है इसमें इस बात को स्पष्ट लिखा है कि केन्द्रीय श्रम (रेगुलेशन एण्ड एडोलियेशन) एक्ट, 1970 में ऐसा मामला सम्मिलित है जो मामला इस समय न्यायाधिकरण के सामने है, वह हिन्दुस्तान जिक लि. मुख्य नियोजक होने से धारा 21(4) कोन्ट्रैक्ट लेबर (रेगुलेशन एण्ड एडोलियेशन) एक्ट, 1970 के तहत उत्तरदायी है। इस सम्बन्ध में प्रार्थी अभिभाषक ने 1978 एल.आई.सी. पेज 1264 एवं माननीय उच्चतम न्यायालय का निर्णय ए.आई.आर. 1972 (सुप्रीम कोर्ट) पेज 1942 पेश किया है। साथ ही धारा 21 कोन्ट्रैक्ट लेबर (रेगुलेशन एण्ड एडोलियेशन) एक्ट, 1970 के प्रावधानों के तहत हिन्दुस्तान जिक लि. मुख्य नियोक्ता होने से उत्तरदायी है। इसलिये हिन्दुस्तान जिक लि. भी आवश्यक पक्षकार है और हिन्दुस्तान जिक लि. अगर भारत गोल्ड मॉईन्स वेतन एवं भत्ते नहीं देता है तो सम्पूर्ण वेतन एवं भत्ते अदायगी के लिये जिम्मेदार है।

दोनों पक्षों के तर्कों को सुना गया।

सर्वप्रथम हिन्दुस्तान जिक लि. के दायित्व से संबंधित प्रश्न निर्णय हेतु विवेचन करना आवश्यक है। हालांकि विद्वान अभिभाषक प्रार्थी की ओर से माननीय उच्चतम न्यायालय का निर्णय पेश किया है और अन्य निर्णय तथा कोन्ट्रैक्ट लेबर पर लिखी पुस्तक एच एल कुमार के पेज 74 व 164 में दिये गये निर्णय 1982 सुप्रीम कोर्ट केसेज पेज 235 एवं माननीय उच्चतम न्यायालय के निर्णय की ओर ध्यान दिलाया है और 1989 एल.एल.आर. पेज 123 केरला की ओर भी ध्यान दिलाया है कि अगर ठेकेदार अपने श्रमिकों को जो कि उसके द्वारा लगाये गये हैं, भुगतान नहीं करता है तो मुख्य नियोक्ता का दायित्व है। ए.आई.आर. 1978 (सुप्रीम कोर्ट) पेज 141, 1978 एल.आई.सी. पेज 1264 अभिभाषक प्रार्थी की ओर से पेश की गई है, लेकिन इस बिन्दु पर विचार करने की कोई आवश्यकता नहीं है, क्योंकि हिन्दुस्तान जिक लि. हालांकि मुख्य नियोक्ता है जो कि हिन्दुस्तान जिक लि. की ओर से पेश अधिकारी ने स्वीकार किया है, लेकिन चूँकि इस बिन्दु पर रेफरेन्स नहीं है इसलिये रेफरेन्स से बाहर जाकर कोई निर्णय दिया जाना धारा 10 औ.वि. अधिनियम के प्रावधानों की परिधी से बाहर है, इसलिये अभिभाषक प्रार्थी का यह तर्क स्वीकार किये जाने योग्य नहीं है कि अगर भारत गोल्ड मॉईन्स उसके द्वारा नियुक्त कर्मचारियों को हिन्दुस्तान जिक लि. के अनुरूप अगर वेतन नहीं दिया जाता है तो मुख्य नियोक्ता हिन्दुस्तान जिक लि. अदा करे इस बिन्दु पर कोई रेफरेन्स नहीं है, क्योंकि रेफरेन्स धारा 10(1) उपधारा 2(ए) के तहत केन्द्र सरकार के श्रम विभाग द्वारा इस न्यायाधिकरण को न्याय निर्णयार्थ प्रेषित किया गया है और संक्षिप्त है कि क्या जावर मॉईन्स मजदूर संघ की यह मांग कि भारत गोल्ड मॉईन्स द्वारा जो श्रमिक नियुक्त किये गये हैं उनके वेतन एवं भत्ते हिन्दुस्तान जिक लि. द्वारा सेटलमेन्ट दिनांक 29-9-95 संशोधन के अनुरूप ही पुनरीक्षित किये जाने योग्य है? क्या यह मांग उचित है? यदि नहीं तो भारत गोल्ड मॉईन्स के श्रमिक क्या अनुतोष पाने के अधिकारी हैं? अतः हिन्दुस्तान जिक लि. का दायित्व का रेफरेन्स नहीं होने से यह बिन्दु निर्णय किये जाने योग्य नहीं है और इस पर विचार नहीं किया जा सकता है।

महत्वपूर्ण बिन्दु जो रेफरेन्स का है, जावर मॉईन्स मजदूर संघ के श्रमिकों को पेज रिवीजन दिनांक 29-9-95 के सेटलमेन्ट संख्या 6 जो कि हिन्दुस्तान जिक लि. द्वारा किया गया है, के अनुरूप ही किये जाने की मांग जायज है या नहीं? यह देखना है।

इस भाग का जो आधार है से संबंधित सभी कानूनी एवं तथ्यात्मक पहलू का देखा जाना है। तथ्यात्मक पहलू पर बाद में विचार किया जावेगा चूँकि यह मामला मांग जायज है या नहीं? इस बिन्दु को तय करने के लिये इस न्यायाधिकरण की भेजा गया है। सेटलमेन्ट से संबंधित प्रावधान धारा 12 एवं धारा 18 में है। धारा 12(3) औ.वि.अधि. के तहत सेटलमेन्ट संख्या 6 जावर मॉईन्स द्वारा दिनांक 29-9-95 को निष्पादित किया गया था जो श्रम विभाग के अधिकारियों के समक्ष तय हुआ है। औ.वि.अधि. की धारा 18(1) में ही हुआ है, क्योंकि धारा 18(1) के प्रावधान स्पष्ट हैं कि जो सेटलमेन्ट श्रमिकों एवं नियोजक के मध्य सीधा होता है एवं मध्यस्थता प्रक्रिया से सम्बन्ध नहीं रखता है और ऐसा सीधा सेटलमेन्ट जो अनुबन्ध से संबंधित पक्षकार है, उन पर बाध्यकारी होता है। धारा 18(1) औ.वि.अधि. के तहत ही यह मांग की गई है। जो बाध्यकारिता भारत गोल्ड मॉईन्स का वेतनमान हिन्दुस्तान जिक लि. के कर्मचारियों

के अनुरूप संशोधित करने का अनुबन्ध के आधार पर है। धारा 18(3) के तहत इस न्यायाधिकरण के पंचाट की बाध्यता होती है, सीधे अनुबन्ध की बाध्यता का कोई विवाद नहीं हो सकता है। उदा. केम्पलेस लि. बनाम वर्कमेन 1978 एल.आई.सी. पेज 637 में माननीय उच्चतम न्यायालय के निर्णय को अनुसरण किया जा सकता है। माननीय उच्चतम न्यायालय का जो निर्णय इस बिन्दु पर हुआ है, उनमें यह अभिनिर्धारित किया गया है कि सम्बन्ध यूनिफन के प्रतिनिधि से प्रबन्धन अनुबन्ध करता है, सभी श्रमिकों की भागीदारी आवश्यक नहीं है, लेकिन ऐसे श्रमिकों पर बाध्यकारी है और सेटलमेन्ट की शर्तें जो हुई हैं, वह सेवा अनुबन्ध का एक हिस्सा होता है, प्रत्येक श्रमिक जिसका प्रतिनिधित्व श्रमिक संघ ने किया है, इस सेवा शर्तों का लाभ प्राप्त करने का अधिकारी होता है। श्रमिक संघ और प्रबन्धन के बीच जो सम्झौता हुआ है तथ्यात्मक पहलू पर विचार किया जाएगा। कानूनी स्थिति पर कोई विवाद नहीं है।

धारा 19 औ.वि.अधि. के तहत ऐसा समझौता कितने समय अस्तित्व में रहता है, इस पर भी विचार किया जाना है, इस सम्बन्ध में यह उल्लेख करना उचित होगा कि धारा 19(2) की जो व्याख्या की गई है उसके अनुरूप पक्षकारों के बीच जो सम्झौता हुआ है, पक्षकारों के बीच समय समाप्ति के पश्चात् भी बाध्यकारी होता है, जब तक कि वे साह के नोटिस से इसको समाप्त नहीं किया गया हो, लेकिन अनुबन्धन की प्रत्यक्ष एवं परोक्ष दोनों रूप में अनुबन्ध की सामान्य शर्तों को अनुरूप लगातार कार्यकारी बाध्यकारीता के अनुरूप देखा जाना है।

सेवा अनुबन्ध की स्थिति के सम्बन्ध में माननीय उच्चतम न्यायालय का निर्णय 2003 सुप्रीम कोर्ट केसेज (एल एण्ड एस) पेज 200 बैंक आफ इण्डिया बनाम ओ.पी. स्वर्णकार एवं अन्य सुसंगत है। हालांकि यह मामला स्वेच्छिक सेवा नियुक्ति का है, लेकिन माननीय उच्चतम न्यायालय ने पैरा नम्बर 50 में स्पष्ट रूप से अभिनिर्धारित किया है कि सेवा में भारतीय सविदा अधिनियम के प्रावधान लागू होते हैं और सेवा अनुबन्ध भी एक अनुबन्धन की ही विषय वस्तु है, जब तक कि कोई कानूनी या कानूनी नियमावली नहीं हो, भारतीय सविदा अधिनियम के प्रावधान भी लागू होते हैं कि सेवा शर्तें क्या हैं और इन सेवा शर्तों के सम्बन्ध में कर्मचारी सविदा की विनिर्दिष्ट पालना करने का अधिकार भी है, माननीय उच्चतम न्यायालय ने इस निर्णय के पैरा नं. 50 से 64 तक विस्तृत विवरण नियुक्त एवं कर्मचारी के बीच सम्बन्ध से संबंधित है और पैरा नं. 98 में स्पष्ट रूप से यह उल्लेख किया गया है तथा कोई प्रस्ताव किसी व्यक्ति या व्यक्तियों के समूह या उनके एजेंट की तरफ से दूसरे व्यक्तियों को अनुबन्ध की इच्छा दर्शाता है कि किस टर्मस् पर प्रस्ताव रखा गया है, यह प्रस्ताव शर्तों में स्पष्ट भी हो सकता है और प्रस्ताव यदि देने वाले व्यक्ति के आचरण जो कि अप्रत्यक्ष रूप से होता है को दर्शाता है तो पैरा 64 के अनुसार अगर प्रस्ताव और स्वीकृति के सम्बन्ध में जब भारतीय सविदा अधिनियम के प्रावधान लागू होते हैं तो वह स्वीय स्वीकारशुभ स्थिति के अनुरूप प्रकृति का है, सविदात्मक होता है और भारतीय सविदा अधिनियम के प्रावधान लागू होते हैं, सैद्धान्तिक रूप से यह स्थिति स्पष्ट करना आवश्यक है, क्योंकि इस रेफरेन्स में भी यह बिन्दु मुख्य रूप से उद्घार होता है, क्योंकि कोई सेवा नियम या अन्य नियमावली सेवा शर्तों के सम्बन्ध में भारत गोल्ट मार्टिन द्वारा श्रमिकों की नियुक्ति से पूर्व नहीं बनाई गई थी। एक किन्तु सविदा के नवीनीकरण का भी है

कि पूर्व में यह सविदा हुई है, उसका नवीनीकरण करके पुनर्संशोधित की गई या कुछ शर्तों का ही नवीनीकरण हुआ है, जैसा कि भारतीय सविदा अधिनियम की धारा 82 में उल्लेख है जो कि सविदा नवीनीकरण, संशोधनीकरण और परिवर्तनीकरण से संबंधित है। नवीनीकरण के लिये यह आवश्यक है कि पूर्व सविदा की शर्तों को समाप्त कर दिया जावे और नई शर्तें लिखी जायें, लेकिन इसमें मूलभूत शर्तों का आधार अगर परिवर्तित नहीं होता है तो सविदा का नवीनीकरण नहीं हो सकता है और क्वाली एस्टेपल का सिद्धान्त अगर लागू होता है तो ऐसे पहले के किसी स्टैन्ड के अनुरूप कोई नई सविदात्मक स्थिति नहीं बनती है और पूर्व पक्षकारों का एक-दूसरे से पूर्व के सविदा से मुक्त करने का अधिकार नहीं है।

इन कानूनी पहलुओं पर विचार करने के पश्चात् तथ्यात्मक रूप से जो मांग जावर मार्टिन मजदूर संघ को कि कद में जावर मार्टिन वर्कमेन फेडरेशन के नाम से हुआ है जो कई संघों का फेडरेशन है, लेकिन मुख्य जावर मार्टिन मजदूर संघ ही श्रमिकों का प्रतिनिधित्व उस वक़्त करता था और जावर मार्टिन मजदूर संघ ही इसमें पक्षकार है। तथ्यात्मक पहलू को अगर देखा जावे तो विपक्षी सं. 2 हिन्दुस्तान जिंक लि. उस समय भारत सरकार का उपक्रम था जो जावर मार्टिन, ग्राम जावर, तहसील सख्तपुर जिला उदयपुर में उसके स्वास्थिक की एक खदान थी जो जावर मार्टिन के नाम से थी। हिन्दुस्तान जिंक लि. द्वारा खान में ग्राफ्ट सिफिंग हेतु एवं अन्य कार्य खान को विकसित करने एवं उसकी उपयोगिता का लाभ लेने हेतु भी भी कार्य प्रारम्भिक अवस्था में किया जाना था, उसका कार्य स्वयं हिन्दुस्तान जिंक लि. ने न करके ठेका विपक्षी सं. 1 को वर्ष 1979 में दिया। खान में ग्राफ्ट सिफिंग के कार्य के अलावा खान उन्नेत करने एवं अन्य कार्य करने के लिये विपक्षी सं. 1 भारत गोल्ट मार्टिन ने ठेका लिया और जनवरी, 1980 में इस कार्य हेतु भारत गोल्ट मार्टिन द्वारा श्रमिक नियोजित किये गये। इस हेतु जो श्रमिक नियोजित किये गये थे जो नियुक्ति पत्र विपक्षी संख्या एक द्वारा दिया गया था। यह प्रारम्भिक अवस्था थी, इस कार्य हेतु जो मजदूर नियुक्त किये गये, उस समय कोई नियमावली सेवा शर्तों की ओर बतान पर कद दिये जाके भारत गोल्ट मार्टिन के तैयार नहीं थे और जो नियुक्ति पत्र दिये गये थे, वो तरह के नियुक्ति पत्र जारी हुए हैं जो नियुक्ति पत्र जारी हुए हैं उसके बारे में भारत गोल्ट मार्टिन की अनुपस्थिति के परिणाम स्वरूप प्राथीगण ने हिन्दुस्तान जिंक लि. के प्रतिनिधि श्री मोरम पुरोहित से पूछा नहीं है, लेकिन जिरह में गंगासिंह ने हिन्दुस्तान जिंक लि. के अभिभावक से पूछा है कि वे नियुक्ति पत्र सं-1 से सी-11 विपक्षी सं. एक द्वारा श्रमिकों को दिये गये थे तथ्यात्मक रूप से हिन्दुस्तान जिंक लि. के अधिकारी को समस्त जानकारी थी, क्योंकि हिन्दुस्तान जिंक लि. के समस्त ही भुगतान किये जाना था। श्रमिकों को जब नियुक्त किया गया था तो नियुक्ति पत्र दिये गये थे और वेतन रिवाज की मांग की औचित्यता से संबंधित महत्वपूर्ण आधार जो लिया गया है श्रमिकों को दिये गये नियुक्ति पत्रों में लिखी शर्तों से ही है। प्रदर्श सी-2 नियुक्ति पत्र आरीकवास, प्रदर्श सी-5 नियुक्ति पत्र सुरेन्द्र प्रसाद, प्रदर्श सी-6 नियुक्ति पत्र शंकरलाल, प्रदर्श 7 नियुक्ति पत्र देवीलाल, प्रदर्श सी-8 नियुक्ति पत्र रामलाल है। इनमें शर्तें स्पष्ट रूप से लिखी गई हैं कि श्रमिकों को सेजेज हिन्दुस्तान जिंक लि. के नियमानुसार दिया जावेगा और हिन्दुस्तान जिंक लि. के अस्पताल में मुफ्त इलाज भी दिये जाने की मेडिकल सुविधा दी गई थी। इन नियुक्ति पत्रों की शर्तें 4 व 5

स्पष्ट है, हालाँकि कुछ जो नियुक्ति पत्र में सम्बन्धित वेतन पर नियुक्त करने का उल्लेख है जो प्रदर्श सी-1, सी-3, सी-4 में है इसमें भी 1450 रुपये सम्बन्धित वेतन दर्शाया गया है जो हिन्दुस्तान जिनक लि. में कार्यरत श्रमिकों का ही है, क्योंकि प्रदर्श सी-1 जनवरी, 91 में जारी हुआ है, जबकि उपरोक्त सी-2, सी-3, सी-4 वर्ष 1984 से 1986 में जारी हुए थे। उस वक्त कोई नियमावली नहीं थी। अतः नियुक्ति पत्र में स्पष्ट रूप से हिन्दुस्तान जिनक लि. के नियमानुसार ही वेतन भुगतान किये जाने की शर्तें साफ दर्शाती हैं कि यह अनुबन्ध जो शुरू हुआ था, उसमें हिन्दुस्तान जिनक लि. के अनुरूप ही वेतन एवं भत्ते देने की शर्तें थी और 1991 में जो सम्बन्धित वेतन 1450 रुपये श्री बाबूलाल को लिखा है वह भी हिन्दुस्तान जिनक लि. में नियुक्त श्रमिकों के बराबर था।

पक्षकारान की सेवा शर्तों से संबंधित कोई नियमावली बनी हुई नहीं थी, इसी अनुक्रम में यह नियुक्ति पत्र साफ तौर पर जारी हुए हैं, लेकिन बाद में वर्ष 1980 से जब कार्य प्रारम्भ हुआ तो क्या प्रक्रिया अपनाई गई, मिनीट्स प्रदर्श सी-13 सबसे महत्वपूर्ण है जो पक्षकारान के बीच वर्ष 1980 के बाद प्रथम स्टेज पर क्या स्थिति संबिधायक रूप से रही, क्योंकि स्टेप बाई स्टेप अनुबन्धात्मक स्थिति प्रत्यक्ष एवं परोक्ष रूप से द्विपक्षीय समझौता कादी दृष्टिकोण पर विचार करने का है। दिनांक 13-6-84 की स्थिति नियुक्ति पत्र वर्ष 1984 जो पेश हुए है बाद के है ये मिनीट्स प्रदर्श सी-13 प्रदर्शित हुआ है, जिसके भुगतान से संबंधित पत्र भारत गोलड माईन्स का प्रदर्श सी-29 पेश हुआ है। ये मिनीट्स दिनांक 13-6-84 की मीटिंग जो जनरल मैनेजर हिन्दुस्तान जिनक लि. के चेम्बर में हुई थी, इसमें भारत गोलड माईन्स की ओर से स्वयं श्री पी.डी. गुप्ता चेयरमैन एवं मैनेजिंग डायरेक्टर उपस्थित हुए और श्री जी.के. मुंशी मैनेजर, अजय आदि ने भाग लिया था फिर हिन्दुस्तान जिनक लि. की ओर से श्री सिन्हा चीफ मैनेजर भी उपस्थित हुए थे और जावर माईन्स मजदूर संघ की ओर से उनके पदाधिकारी उपस्थित हुए थे। इस मिनीट्स में सबके हस्ताक्षर हैं जो मूल दस्तावेज मंगाया गया। मूल दस्तावेज संधी का अवलोकन कर लिया गया। इसमें दिर्घकालीन अनुबन्ध जो हिन्दुस्तान जिनक लि. और श्रमिकों के प्रतिनिधियों के बीच 5 सितम्बर, 79 को एवं अन्य दिर्घकालीन अनुबन्धन दिनांक 27 नवम्बर, 1983 को जो हिन्दुस्तान जिनक लि. एवं जावर माईन्स मजदूर संघ के बीच हुआ था, के अनुक्रम में भारत गोलड माईन्स में कार्यरत श्रमिकों को वेतन भुगतान करने से संबंधित का और भारत व गोलड माईन्स के प्रतिनिधि ने यह सूचना हिन्दुस्तान जिनक लि. प्रबन्धन एवं श्रमिक संघ के पदाधिकारियों को सूचित कर दिया गया था कि इन दोनों अनुबन्धों से संबंधित वेतन का भुगतान शीघ्र ही कर दिया जायेगा और वेतनमान भी देना शुरू कर दिया है, ऐरियर का भुगतान दिनांक 20-7-84 तक कर दिया जायेगा। यह अनुबन्ध स्वरूप मीटिंग स्थिति स्वीकृतशुदा पक्षकारान की सहमति से हो गया। प्रदर्श सी-13 में स्पष्ट तौर पर हिन्दुस्तान जिनक लि. द्वारा जो अनुबन्ध और समझौता किया गया था उन दीर्घकालीन समझौते की लागू ज्यों का त्यों भारत गोलड माईन्स ने किया और वेतन एवं भत्ते दिये, यह स्थिति निर्विवाद रूप से सामने आती है, क्योंकि हिन्दुस्तान जिनक लि. भी इसमें पक्षकार था और हिन्दुस्तान जिनक लि. के प्रतिनिधि जो साक्ष्य में आये थे श्री नरेन्द्र पुरोहित ने यह स्वीकार कर लिया है, प्रदर्श सी-13 मीटिंग के मिनीट्स है जिसमें श्री जी.के.पी. सिन्हा व श्री नरेन्द्र कोल सम्मिलित हुए थे। प्रदर्श सी-15 हिन्दुस्तान जिनक लि. के

प्रबन्धक एवं श्रमिक प्रतिनिधियों के मध्य निष्पादित हुआ था। हिन्दुस्तान जिनक प्रिन्सिपल एम्प्लोयर थी, यह सही है कि भारत गोलड माईन्स द्वारा ठेके का कार्य हिन्दुस्तान जिनक लि. के हितार्थ एवं फायदे में किया गया था। हिन्दुस्तान जिनक लि. के प्रतिनिधि ने यह भी स्वीकार किया है कि सेटलमेन्ट प्रदर्श सी-14 मीटिंग प्रदर्श सी-13 की पालना में निष्पादित हुआ था जो भारत गोलड माईन्स एवं श्रमिक प्रतिनिधियों के मध्य निष्पादित हुआ था। हिन्दुस्तान जिनक लि. के प्रतिनिधि ने यह भी स्वीकार किया है कि श्रमिकों को भुगतान उनके प्रतिनिधियों के सामने करना आवश्यक था। प्राथमिक जानकारी श्री नरेन्द्र पुरोहित को है और इससे संबंधित कोई विवाद था तो स्वाभाविक है कि प्रिन्सिपल एम्प्लोयर को जानकारी थी।

प्रदर्श सी-14 पहला कदम पक्षकारान के अनुबन्ध का है, मिनीट्स सी-13 के बाद की स्थिति का है। इसमें साफ तौर पर उल्लेख है कि जो पांचवा दिर्घकालीन सेटलमेन्ट जुलाई, 89 में हिन्दुस्तान जिनक लि. एवं हिन्दुस्तान जिनक वर्कमैन फेडरेशन के बीच हुआ था उसी के अनुसरण में यह प्रदर्श सी-14 अनुबन्ध हुआ था। जुलाई 89 में पांचवा दिर्घकालीन सेटलमेन्ट जो हिन्दुस्तान जिनक लि. ने अपने श्रमिकों के लिये किया उसी का अनुसरण प्रदर्श सी-14 में किया गया। प्रदर्श सी-14 की जो प्रस्तावना है, उसमें साफ तौर पर यह लिखा गया है कि पांचवा दिर्घकालीन समझौता जो कि हिन्दुस्तान जिनक लि. एवं हिन्दुस्तान जिनक वर्कमैन फेडरेशन के बीच जुलाई, 89 में हुआ है और सितम्बर, 89 में लागू किया गया है, माईनिंग कोन्ट्रेक्टर के वहाँ कार्यरत श्रमिकों ने यह मांग की है कि हिन्दुस्तान जिनक लि. के समकक्ष ही वेतन भुगतान और सम्मान सुविधाएं दी जावे। प्रदर्श सी-14 सेटलमेन्ट कोन्ट्रेट लेबर (रेगुलेशन एण्ड एबोलिशन) एक्ट 1970 का उल्लेख है और इसी सेटलमेन्ट में साफ तौर पर लिखा है लम्बे समय से प्रचलित प्रथा चल रही है कि जो माईन्स ठेकेदार है, वह भी हिन्दुस्तान जिनक लि. द्वारा नियुक्त कर्मचारी को जो सुविधाएं हिन्दुस्तान जिनक दे रहा है, अपने कर्मचारी को वैसी ही सुविधाएं दे, जब यह मामला विचारार्थ नवम्बर, 1989 में आया तो सभी ठेकेदारों ने इस पर सहमति जता दी कि जिस तरह के सेटलमेन्ट वेतन एवं भत्ते अदायगी हिन्दुस्तान जिनक लि. एवं हिन्दुस्तान जिनक वर्कमैन फेडरेशन के बीच हुआ है, वही वेतनमान भारत गोलड माईन्स द्वारा नियुक्त श्रमिकों को भी देय होगा एवं लम्बी परिपाटी चल रही है यह तथ्य सेटलमेन्ट के पेज नं. 1 में भी लिखा हुआ है। हालाँकि इसमें यह भी लिखा है कि अतिरिक्त खर्च जब तक कि मुख्य नियोक्ता क्षतिपूर्ति अतिरिक्त खर्च की नहीं करेगा और बढोतरी के क्लोज की पालना नहीं करेगा, सम्पूर्ण भार वहन करने की स्थिति में नहीं है। कर्मचारी हड़ताल पर नवम्बर, 1989 में चले गये, फिर सहायक श्रम आयुक्त केन्द्रीय अजमेर ने समझौता दोनों पक्षों का कराया और दिनांक 24-11-89 को यह द्विपक्षीय समझौता हुआ जो अन्तरिम सेटलमेन्ट हुआ था, अंतिम सेटलमेन्ट दिनांक 30-6-90 से पूर्व कर लिया जायेगा ऐसा कहा गया, इस द्विपक्षीय समझौते में साफ तौर पर भर्ती प्रक्रिया के सम्बन्ध में पेज नं. 2 के आईटम नं. 1 में साफ तौर पर लिखा है कि जो नई नियुक्ति की जायेगी और दो साल से कम कार्य करने वाले अनुबन्ध में सम्बन्धित वेतन एक साल के लिये हिन्दुस्तान जिनक लि. द्वारा दिया जाने वाले वेतन के अनुरूप दिया जायेगा और अन्य कुशल, अर्द्धकुशल श्रमिकों के सम्बन्ध में श्रम आयुक्त द्वारा जो वेतनमान दिया गया था, हिन्दुस्तान जिनक लि. के अनुरूप ही दिया

जायेगा कुछ कोटेगरी का अन्तर जरूर है, बल्कि मूल वेतन में कोई अन्तर नहीं है। दोनों ही सेटलमेन्ट का अवलोकन कराया गया। तत्पश्चात् कोई अनुबन्ध नहीं हुआ है और एक मिटींग दिनांक 16-1-96 को अवश्य हुई है जो सभी श्रमिकों के प्रतिनिधि तथा जो ठेकेदार जो हिन्दुस्तान जिंक की खदानों में कार्य कर रहे थे, उनके मध्य हुआ। दूसरे ठेकेदारों ने अनुबन्ध बाद में किये और अरावली कन्सल्टेशन कं. लि. की ओर से जो अनुबन्ध द्विपक्षीय सेटलमेन्ट कतौर किया गया है वह प्रदर्शित हुआ है, वह अनुबन्ध प्रदर्श सी-20 है। भारत गोल्ड माईन्स के समान ही शाफ्ट सिकिंग एवं अन्य विकास का कार्य किया गया था जो अरावली कन्सल्टेशन कं. एवं अन्य कम्पनी ने भी किये, जब विवाद उठा तो सभी कम्पनी के प्रतिनिधि और श्रमिक संघ के बीच मीटिंग हुई और इस मीटिंग के पश्चात् अरावली कन्सल्टेशन कं. ने श्रमिक संघ के प्रतिनिधि के मध्य द्वि पक्षीय समझौता प्रदर्श सी-20 किया। इसमें भी यह बात दोहराई गई है कि हिन्दुस्तान जिंक लि. सम्पूर्ण श्रमिकों को किये जाने वाले बड़े भुगतान का दावित्व नहीं ले रहा है और बडोदरी का फार्मूला नहीं होता है तो ऐसा मामला मध्यस्थ को सौंपा जाए तथा मध्यस्थ ने सम्पूर्ण देय राशि हेतु अर्वाइर पारित नहीं किया गया। हिन्दुस्तान जिंक और ठेकेदारों के बीच पंचाट का निर्णय दिनांक 24-7-96 को हो गया था, फिर श्रमिक संघों ने सेटलमेन्ट संख्या 6 को लगातार दिनांक 1-7-92 से किये जाने की मांग की इस संबंध में बर्ता चलती रही और दिनांक 19-8-96 को ही सेटलमेन्ट दूसरे ठेकेदारों और श्रमिक संघ के बीच हुआ जो प्रदर्श सी-20 है। इसमें भी वही वेतनमान कोटेगरी एक से सत तक थी गई है जो हिन्दुस्तान जिंक लि. ने दिव्यकालीन समझौता संख्या 6 किया है, कोई अन्तर वेतन शृंखलाओं में नहीं है, कुछ अन्तर अवश्य है, लेकिन कोई विशेष अन्तर नहीं है। अतः दूसरे ठेकेदार अरावली कन्सल्टेशन कं. प्रा. लि. ने प्रदर्श सी-20 के जरिये श्रमिक संघ से समझौता नया कर लिया, लेकिन भारत गोल्ड माईन्स ने नहीं किया, जबकि भारत गोल्ड माईन्स एवं हिन्दुस्तान जिंक के मध्य बड़े हुए वेतन पार के समान बडोदरी के क्लोज की पालना करने से संबंधित अर्वाइर भी दिनांक 24-7-96 को जारी हो गया था। अतः इन परिस्थितियों में यह कहा जा सकता है कि भारत गोल्ड माईन्स ने हिन्दुस्तान जिंक लि. से बड़े हुए वित्तीय भार का पैसा भी प्राप्त कर लिया है और श्रमिकों को कोई नया वेतनमान नहीं दिया जबकि समान कार्य के लिये दूसरे श्रमिकों को दूसरे ठेकेदार ने प्रदर्श सी-20 के जरिये संशोधित वेतनमान दे दिया।

इन तथ्यात्मक परिप्रेक्ष्य में यह कहा जा सकता है कि शुरू से ही भारत गोल्ड माईन्स भी श्रमिकों के बीच यह समझौता हो गया था कि हिन्दुस्तान जिंक लि. के अनुरूप ही वेतनमान एवं अन्य सुविधाएं दी जायेगी, लेकिन बाद में भारत गोल्ड माईन्स इस इकरार से मुकर गई और हिन्दुस्तान जिंक लि. तथा उनके श्रमिकों के बीच जो दिव्यकालीन समझौता संख्या 6 हुआ था उसके अनुरूप भारत गोल्ड माईन्स ने अपने श्रमिकों को वेतन नहीं दिया जो कि वेतन पुनरीक्षित करने का ज़ावर माईन्स मजदूर संघ का अधिकार कानून सम्मत एवं न्यायोचित है।

भारत गोल्ड माईन्स द्वारा नियुक्त श्रमिक एवं हिन्दुस्तान जिंक लि. द्वारा किये गये समझौता दिनांक 29-9-95 के अनुरूप ही वेतन पाने के अधिकारी हैं और यह वेतनमान पुनरीक्षित किये जाने की मांग कानून सम्मत एवं न्यायोचित है।

प्रबन्धन और श्रमिक संघ/श्रमिकों के बीच में शुरू से ही वेतन संबंधित जुद्ध शर्तें तय हुआ थी उससे अन्यथा एक तरफा तौर पर प्रबन्धन ने जो निर्णय लिया है वह श्रमिकों के पक्ष में अनपेक्षित लेकर प्रेकिस है जो कि पूर्व में विधिक समझौता और प्रथा चल रही थी, भारत गोल्ड माईन्स उससे बाध्यकारी है और एकतरफा तौर पर कोई निर्णय नहीं लिया जा सकता है, बाध्यकारिता पूर्व अनुबन्ध की है, जब तक कि अनुबन्ध समाप्त नहीं किया जा सकता है, रहती है और दूसरा पहलू इसमें यह है कि एक ही जगह कार्य करने वाले श्रमिकों को एक समान वेतन मिलना चाहिये, क्योंकि अलग-अलग ठेकेदारों द्वारा एक ही मुख्य नियोजक के यहां कार्य कर रहे थे और दूसरे नियोजक के यहां कार्यरत नहीं थे, दूसरे ठेकेदार मैसर्स अरावली कन्सल्टेशन कं. ने वेतन प्रदर्श-12 के जरिये हिन्दुस्तान जिंक लि. के समकक्ष दे दिया है जो श्रमिक संघ ने स्वीकार कर लिया है, द्विपक्षीय समझौता स्वीकृत या अस्वीकृत करना दूसरे पक्षकार के विवेक पर निर्भर करता है, लेकिन एक पक्षीय पूर्व के समझौते को रद्द नहीं किया जा सकता है, परिवर्तित मंडगाई पक्ष एवं मूल्य सूचकांक के आधार पर भी वेतन निश्चित करने का फार्मूला शुरू से ही चला आ रहा है, इसको न तो समाप्त किया जा सकता है और न ही उसमें अलग इटकर ही समझौता निरस्त किया जा सकता है। भारत गोल्ड माईन्स ने हिन्दुस्तान जिंक लि. से राशि भी प्राप्त अर्वाइर के तहत की है, लेकिन श्रमिकों को बाद में इसका भुगतान नहीं किया है। इन परिस्थितियों में बहुत स्पष्ट है कि हिन्दुस्तान जिंक लि. के समान जो वेतनमान दिए जाते हैं, अनुबन्ध की ओर शर्तें हैं उससे भारत गोल्ड माईन्स भी बाध्य है और इस अनुबन्ध से बाध्य होने के कारण भारत गोल्ड माईन्स के कर्मकार भी पुनरीक्षित वेतनमान करने के अधिकारी हैं। जिस स्वतंत्र में छठा सेटलमेन्ट दिनांक 29-9-95 को हिन्दुस्तान जिंक लि. एवं श्रमिक संघ के बीच हुआ, समझौते के अनुरूप हिन्दुस्तान जिंक लि. को वेतन दिया जा रहा था, यह मांग ज़ावर माईन्स मजदूर संघ की विधि सम्मत एवं न्यायोचित है। वेतन पुनरीक्षित इसी अनुरूप करने के प्राथमिक हकदार हैं।

अतः भारत सरकार के श्रम विभाग द्वारा जारी अधिसूचना दिनांक 11-1-1999 को उल्लिखित करते हुए पंचाट इस प्रकार प्रारित किया जाता है कि भारत गोल्ड माईन्स के श्रमिक भी दिनांक 29-9-95 के द्वारा जो समझौता हिन्दुस्तान जिंक लि. एवं श्रमिक संघ के बीच हुआ, उस समझौते के अनुरूप संशोधित वेतन प्राप्त करने के अधिकारी हैं।

पंचाट प्रकाशनार्थ भारत सरकार के श्रम विभाग को प्रेषित हो।

बलदेवपुरी गोस्वामी, पीठासीन अधिकारी

नई दिल्ली, 14 मार्च, 2008

क्र.आ. 786.—औद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 17 के अनुसरण में, केन्द्रीय सरकार ने बी.सी.सी. एल. के प्रबंधन के संघर्ष नियोजकों और उनके कर्मकारों के बीच, अनुबंध में निर्दिष्ट औद्योगिक विवाद में केन्द्रीय सरकार औद्योगिक अधिकरण (सं. 1), धनबाद के पंचाट (संदर्भ संख्या 21/2001) को प्रकाशित करती है, जो केन्द्रीय सरकार को 14-3-2008 को प्राप्त हुआ था।

[सं. एल-20012/427/2000-आईआर(सी-1)]

स्नेह लता जकास, डेस्क अधिकारी

New Delhi, the 14th March, 2008

**S.O. 786.**—In pursuance of Section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the award (Ref. No.21/2001) of the Central Government Industrial Tribunal/Labour Court, (No.1), Dhanbad now as shown in the Annexure, in the Industrial Dispute between the employers in relation to the management of M/s. B.C.C.L. and their workmen, which was received by the Central Government on 14-3-2008.

[No. L-20012/427/2000-IR(C-1)]

**SNEH LATA JAWAS, Desk Officer**  
**ANNEXURE**

**BEFORE THE CENTRAL GOVERNMENT**  
**INDUSTRIAL TRIBUNAL (NO. 2) AT DHANBAD**  
**PRESENT:**

**Shri Nagendra Kumar, Presiding Officer**

In the matter of an Industrial Dispute under Section 10(1)(d) of the I. D. Act, 1947.

Reference No. 21 of 2001

**PARTIES :** Employees in relation to the Management Dabari Colliery of M/s. BCCL and their workmen.

**Appearances:**

On behalf of the Employers : Mr. R.N. Ganguli,  
Ld. Advocate

On behalf of the Workmen : Mr. K. Chakraborty,  
Ld. Advocate

State : Jharkhand Industry : Coal  
Dated, Dhanbad, the 27th February, 2008

**AWARD**

The Government of India, Ministry of Labour & Employment, in exercise of the powers conferred on them under Section 10(1)(d) of the I.D. Act, 1947 has referred the following dispute to this Tribunal for adjudication vide their Order No. L-20012/427/2000(C-1) dated, the 25th January, 2001.

**SCHEDULE**

"Whether the action of the management of M/s. B.C.C.L. in not regularising the services of and in not making the payment of the group wage to the workman Sri Sanjay Ganak, working as Cap Lamp Mazdoor in Dobari Colliery under Bastacolla Area, is justified, legal and proper? If not, to what relief is the workman entitled?

2. The case of the concerned workman Sri Sanjay Ganak in short is that he was appointed as Roof volder at Dobari Colliery since long with unblemished record of service. The concerned workman as per direction of the management started work as Cap Lamp Mazdoor since 11-12-1997 continuously since more than 240 days in a calendar year. He represented several times for his regularisation as Cap Lamp Mazdoor with protection of

Group wage but without any effect. He is working as Cap Lamp Mazdoor against permanent vacancy. Since the Management did not take any step to regularise the concerned workman as Cap Lamp Mazdoor an Industrial Dispute was raised. As the action of the Management is illegal, arbitrary, unjustified and against the principal of natural justice. Prayer has been made to answer the Reference in favour of the workman.

On the other hand the Management has filed written statement-cum-rejoinder stating the Reference is not maintainable. The concerned workman was appointed as Roof volder in underground mine which is his substantive post. The work of the concerned workman is safety-related job. The management of the Colliery unduly deployed him in the job of Cap Lamp Mazdoor on surface with prior permission and sanction of the Competent Authority and delegation of power and violation of the rule and policy of the Company. The job of underground Roof Volder attracts higher wages than the surface job of the Cap Lamp Mazdoor and the concerned workman willingly accepted deployment in surface job in an irregular and illegal manner in connivance with colliery officers. As per decision of the Management on 24-9-1998 the workers below the age of 45 years who are having underground designation but work in surface should be reverted back to the underground productive work. In such decision the Sponsoring Union of the dispute was present. The concerned workman along with others were directed on 20-2-1999 to be present for training on underground job but he did not comply. He disobeyed the order of the Management and raised an Industrial Dispute. The concerned workman is working as Cap Lamp Mazdoor which is not his job.

There is no requirement/vacancies. The concerned workman is doing this job at his own will. Further, in the Rejoinder portion statement made in paras 3 to 6 have been denied about paras 1 and 2. It is said that same are matter of record.

The concerned workman has also filed an Rejoinder stating that the statements in paras 2, 3, 4, 5, 6, 7, 8, 9, 10, 11, 12 and 13 are false, frivolous, motivated and denied. He has further explained as to how he is entitled for the relief.

In spite of giving sufficient opportunities the concerned workman did not produce any witness even he has not filed any document in support of his claim. Thus he has not established his claim. In this way he is not entitled to any relief.

For the reasons stated above the award is rendered as follow :

"That the action of the management of M/s. BCCL in not regularising the services of and in not making the payment of the group wage to the workman Sri Sanjay Ganak, working as Cap Lamp Mazdoor in Dobari Colliery under Bastacolla area is justified, legal and proper.

Accordingly, the concerned workman is not entitled to any relief."

**NAGENDRA KUMAR, Presiding Officer**